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Briefings on How To Use the Federal Register
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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

DURHAM, NC

WHEN: March 20, at 9:30 a.m.
WHERE: Duke University,
Allen Building Conference Room,
Durham, NC.
RESERVATIONS: 919–684–3030.

SALT LAKE CITY, UT

WHEN: March 29, at 9:00 a.m.
WHERE: State Office Building Auditorium,
Capitol Hill,
Salt Lake City, UT.
RESERVATIONS: Call the Utah Department of Administrative Services, 801–538–3010.

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Presidential Documents

Title 3—

The President

Proclamation 6100 of February 22, 1990

International Year of Bible Reading, 1990

By the President of the United States of America

A Proclamation

Among the great books produced throughout the history of mankind, the Bible has been prized above all others by generations of men and women around the world—by people of every age, every race, and every walk of life.

The Bible has had a critical impact upon the development of Western civilization. Western literature, art, and music are filled with images and ideas that can be traced to its pages. More important, our moral tradition has been shaped by the laws and teachings it contains. It was a biblical view of man—one affirming the dignity and worth of the human person, made in the image of our Creator—that inspired the principles upon which the United States is founded. President Jackson called the Bible "the rock on which our Republic rests" because he knew that it shaped the Founding Fathers' concept of individual liberty and their vision of a free and just society.

The Bible has not only influenced the development of our Nation's values and institutions but also enriched the daily lives of millions of men and women who have looked to it for comfort, hope, and guidance. On the American frontier, the Bible was often the only book a family owned. For those pioneers living far from any church or school, it served both as a source of religious instruction and as the primary text from which children learned to read. The historic speeches of Abraham Lincoln and Dr. Martin Luther King, Jr., provide compelling evidence of the role Scripture played in shaping the struggle against slavery and discrimination. Today the Bible continues to give courage and direction to those who seek truth and righteousness. In recognizing its enduring value, we recall the words of the prophet Isaiah, who declared, "The grass withereth, the flower fadeth; but the word of our God shall stand forever."

Containing revelations of God's intervention in human history, the Bible offers moving testimony to His love for mankind. Treasuring the Bible as a source of knowledge and inspiration, President Abraham Lincoln called this Great Book "the best gift God has given to man." President Lincoln believed that the Bible not only reveals the infinite goodness of our Creator, but also reminds us of our worth as individuals and our responsibilities toward one another.

President Woodrow Wilson likewise recognized the importance of the Bible to its readers. "The Bible is the word of life," he once said. Describing its contents, he added:

> You will find it full of real men and women not only but also of the things you have wondered about and been troubled about all your life, as men have been always; and the more you will read it the more it will become plain to you what things are worth while and what are not, what things make men happy—loyalty, right dealing, speaking the truth . . . and the things that are guaranteed to make men unhappy—selfishness, cowardice, greed, and everything that is low and mean. When you have read the Bible you will know that it is the Word of God, because you will have found it the key to your own heart, your own happiness, and your own duty.

President Wilson believed that the Bible helps its readers find answers to the mysteries and sorrows that often trouble the souls of men.

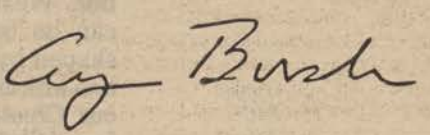
Cherished for centuries by men and women around the world, the Bible's value is timeless. Its significance transcends the boundaries between nations

and languages because it carries a universal message to every human heart. This year numerous individuals and associations around the world will join in a campaign to encourage voluntary study of the Bible. Their efforts are worthy of recognition and support.

In acknowledgment of the inestimable value and timeless appeal of the Bible, the Congress, by Senate Joint Resolution 164, has designated the year 1990 as the "International Year of Bible Reading" and has authorized and requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the year 1990 as the International Year of Bible Reading. I invite all Americans to discover the great inspiration and knowledge that can be obtained through thoughtful reading of the Bible.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc 90-4577
Filed 2-23-90; 2:11 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of Feb. 22 on signing Proclamation 6100, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 8).

Presidential Documents

Proclamation 6101 of February 23, 1990

American Red Cross Month, 1990

By the President of the United States of America

A Proclamation

Since its founding more than a century ago, the American Red Cross has inspired millions of Americans to participate in its voluntary public service programs. Today, dedicated Red Cross volunteers—some one million strong—help bring vital aid and services to victims of natural disasters and other emergencies, to people in need of blood, and to members of the United States Armed Forces. These compassionate and hardworking volunteers are also helping to bring useful health and safety information to the public.

Last year, Red Cross workers across the Nation responded to more than 50,000 emergencies, from serious train accidents and house fires to devastating floods and earthquakes. When Hurricane Hugo and the Loma Prieta earthquake in California struck within less than 30 days of each other, the Red Cross rushed aid to more than 143,000 families on both U.S. coasts and in the Caribbean. Never in the history of the American Red Cross had so many people depended on the food, clothing, medical assistance, and shelter provided by its workers. Never in its history had the Red Cross responded more ably to the call for help from disaster victims.

The Red Cross also teaches people how to prevent and prepare for more common emergencies through courses in first aid, CPR, and water safety, as well as other educational programs. Each day, thousands of Red Cross instructors impart lifesaving knowledge and skills to young people and adults in communities across the country. Thanks to their efforts, some seven million Americans are certified yearly to provide emergency aid in life-threatening situations.

Today, the American Red Cross is a leader in efforts to stop the spread of AIDS. Across the country, knowledgeable Red Cross volunteers are teaching the public about this deadly disease. Through its careful testing of donated blood, the Red Cross is also helping to make our Nation's blood supply as safe as possible.

Each year, the Red Cross collects and tests more than six million units of blood, ensuring that safe and adequate supplies will be available for the ill and the injured. In addition to its blood donor programs, the American Red Cross renders vital organ and tissue transplantation services.

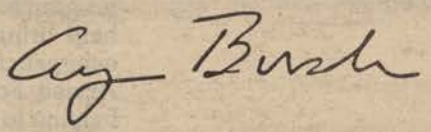
A less commonly known but equally important activity of the Red Cross is its cooperation with the United States Armed Forces. The Red Cross assists our active-duty military men and women and their families with information, referral services, and emergency communications. Thousands of Red Cross staff members and volunteers serve on U.S. military installations around the world, providing an important link to home for our service men and women.

However, the work done abroad by the American Red Cross extends far beyond U.S. military bases. American Red Cross workers have brought desperately needed aid to victims of the December 1988 earthquake in Armenia. They have also brought relief to the people of Eastern Europe, to the hungry in Africa, and to victims of disaster and armed conflict in other parts of the world.

Dedicated to serving individuals in need without regard to race, creed, cause, or nationality, the American Red Cross has earned the respect and gratitude of millions of people around the Nation and the world. This month, we salute its outstanding staff and volunteers.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America and Honorary Chairman of the American National Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of March 1990 as American Red Cross Month. I urge all Americans to continue their generous support of the work of the American Red Cross and its nearly 2,800 chapters.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of February, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 90-4606
Filed 2-23-90; 4:22 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of Feb. 23 on signing Proclamation 6101, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 8).

Rules and Regulations

Federal Register
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FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Reg. Y; Docket No. R-0686]

Bank Holding Companies and Change in Bank Control; Procedures Regarding Notices of Changes in Senior Executive Officers and Directors Under Section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interim rule with request for public comment.

SUMMARY: The Federal Reserve Board is amending its Regulation Y, section 225 of title 12, Code of Federal Regulations, to implement the provisions of section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Public Law 101–73, 103 Stat. 183. Section 914 of FIRREA requires bank holding companies and state member banks that have recently undergone a change in control, have less than minimum required capital, or are otherwise in troubled condition to file a notice with the Board of Governors of the Federal Reserve System ("Board") prior to adding a member of the board of directors, or employing an individual as a senior executive officer. This prior notice requirement also applies to state member banks that have been chartered within two years before the proposed management change. The Board may disapprove any proposed board member or senior executive officer whose service is not considered to be in the best interests of the depositors of the bank or the public. The regulation defines the terms "troubled condition" and "senior executive officer." The regulation also clarifies the types of changes in control of a state member bank or bank holding company that require a notice under section 914, and establishes the procedures for filing the required notice.

Because the provisions of section 914 became effective on the date of enactment of FIRREA, this regulation is immediately effective. The Board requests comment on any issue raised by this regulation; interested persons have 60 days in which to respond. After the close of the comment period, the Board may amend the regulation in response to the comments received.

DATES: *Effective Date:* February 13, 1990. Comments must be received no later than April 23, 1990.

ADDRESSES: Comments, which should refer to Docket No. R–0686, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or may be delivered to Room B–2223 between 8:45 a.m. and 5:00 p.m. All comments received will be made available to the public, and may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Assistant General Counsel (202/452–3583), or Mark J. Tenhundfeld, Attorney (202/452–3612), Legal Division; or Sidney M. Sussan, Assistant Director (202/452–2638), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired only, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION:

Background

On August 9, 1989, the President signed into law the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Public Law 101–73, 103 Stat. 183. Section 914 of FIRREA requires certain banks and bank holding companies to notify the appropriate Federal banking agency 30 days prior to the proposed addition of any individual to the board of directors of the bank or bank holding company, and to the employment of any individual as a senior executive officer.

In particular, this section requires state member banks and bank holding companies to provide this notice to the Board if the state member bank or bank holding company:

(1) Has been chartered less than 2 years in the case of a state member bank;

(2) Has undergone a change in control within the preceding 2-year period; or

(3) Is not in compliance with appropriate minimum capital requirements or is otherwise in a "troubled condition."

The Board must disapprove a notice under this section if the Board finds that the competence, experience, character, or integrity of the individual indicates that it would not be in the best interests of the depositors of the bank or in the best interests of the public for the individual to be employed by, or associated with, the bank or bank holding company.

This regulation implements the provisions of section 914 of FIRREA. In adopting this regulation, the Board has consulted with the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision, each of which must also adopt regulations under section 914 applicable to financial institutions that they supervise.

1. Definition of "Troubled Condition"

Section 914 by its terms applies to financial institutions that are not in compliance with the minimum capital requirements applicable to the institution or that are "otherwise in a troubled condition." In the Board's view, compliance with applicable minimum capital requirements includes compliance with the generally applicable capital adequacy guidelines as well as compliance with any capital directive or Board order applicable to the specific institution, even where that directive or order may require capital levels above the generally applicable minimum level in the Board's guidelines.

Section 914 of FIRREA requires the Board to promulgate regulations that define the term "troubled condition" for purposes of the notice requirements of this section. Because section 914 already applies by its terms to financial institutions that are not in compliance with applicable minimum capital requirements, the Board's definition of "troubled condition" focuses on other measures of the financial condition of the institution. The Board defines an institution in "troubled condition" as

any institution that: (1) Has received a composite rating of 4 or 5 at its most recent commercial examination or inspection; (2) is subject to a cease and desist order or written agreement requiring action to improve the financial condition of the institution; or (3) is expressly informed by the Board or appropriate Federal Reserve Bank that it is considered in troubled condition for purposes of the notice provisions of section 914. The Board believes that this definition of "troubled condition" covers only those state member banks and bank holding companies whose financial condition makes review of changes in management appropriate. The regulation contemplates that the Federal Reserve System will expressly inform individual state member banks and bank holding companies if other facts indicate that close scrutiny of changes in the management or directors of the institution under this subpart is appropriate.

2. Definition of "Senior Executive Officer"

Section 914 also requires the Board to define the term "senior executive officer." The Board has adopted a functional approach in defining the term "senior executive officer." The regulation designates as a "senior executive officer" those individuals who have significant influence over the policymaking decisions of financial institutions, regardless of the individual's title. The functions identified by the Board as those of senior executive officers include the functions of chief executive officer, chief operating officer, chief financial officer, chief lending officer, and chief investment officer. The Board has not identified specific titles that constitute "senior executive officers" because titles for senior executive functions vary widely among bank holding companies and banks.

In addition to the five functions specifically identified, the regulation also applies to any person with significant influence over major policymaking decisions of the institution. This provision is intended to cover consultants and other individuals who may in fact be acting as a senior executive officer at a particular institution.

The Board notes that Regulation O (12 CFR part 215), which addresses loans to bank insiders, defines "executive officer" to include a person who participates in the major policymaking functions of the bank and includes, by title, a bank's chairman of the board, president, vice-president, cashier, secretary, and treasurer. The new statute, in contrast, reaches only "senior executive officers." Thus, the Board believes the scope of the new statute is narrower than the existing definition in Regulation O.

The Board's regulation does not include the appointment of an advisory director to an institution's board of directors. To qualify for this exemption as an advisory director, an individual must not be elected to the position by the company's shareholders, must not be authorized to vote on any matters before the board of directors, and must provide solely general policy advice to the board of directors. The Board and the Reserve Bank retain authority to find in specific cases that an individual who is nominally an advisory director is in fact functioning as a director or senior executive officer for purposes of the notice provisions of this subpart.

The notice requirements of section 914 are applicable whenever an institution subject to this section seeks to add an individual to the institution's board of directors. The Board believes that this provision applies whether the addition is made as a result of expansion of the number of members of the board of directors or through the replacement of existing directors. In both cases, an individual who was not previously a member of the board of directors has been added to the board. Similarly, the provisions of section 914 appear to apply to the employment of any individual as a senior executive officer, whether that employment results from external hiring or from internal promotion or re-assignment of responsibilities to include the functions of a senior executive officer. The notice requirement also applies to a senior executive officer who is proposed as a director of the institution and to a director who is offered employment as a senior executive officer.

3. Definition of Change in Control

As noted above, the notice requirement under section 914 is triggered when the bank or bank holding company has undergone a "change in control" within two years preceding the proposed addition of a director or employment of a senior executive officer. The term "change in control" is not defined in section 914 or explained in the legislative history of that section.

The Board does not believe that this term was intended by Congress to encompass every situation involving a change in ownership of a state member bank or bank holding company. For example, the acquisition of more than 5 percent of the voting shares of a bank by a registered bank holding company requires approval of the Board under section 3 of the Bank Holding Company Act ("BHC Act") but may not involve a "change in control" for purposes of section 914 or any other statute.

The Board believes that it is consistent with the language and purpose of section 914 to require that notices be filed under this section by state member banks and bank holding companies that have been the subject of a notice of change in control pursuant to the Change in Bank Control Act. The language of section 914 parallels the Change in Bank Control Act in several respects, most notably by using the same terms as in the Change in Bank Control Act and by expressly adopting the information requirements and standards for review contained in that Act. Thus, section 914 appears to contemplate situations involving a change in control that would require a notice under the Change in Bank Control Act.

The Board does not believe that, as a general matter, transactions subject to section 3 of the BHC Act should trigger the requirements of section 914. These transactions are expressly exempt from the Change in Bank Control Act. Moreover, in connection with the review of all applications by bank holding companies under the BHC Act, the Board already carefully considers the managerial resources of the bank holding company. Bank holding companies are also subject to the continuing Board supervision and examination, including regular review of their managerial resources. Accordingly, there appears little regulatory purpose to broadly interpreting the requirements of section 914 to apply to all transactions subject to section 3 of the BHC Act.

The Board believes that it is appropriate to require notices of changes in directors and senior executive officers at bank holding companies in a limited number of bank holding company formations that are exempt from the requirements of the Change in Bank Control Act. In certain cases, a bank holding company formation involves the first-time acquisition of a bank by a previously unregulated company. In a limited number of other cases, a group of individuals who seek to acquire control of a bank or bank holding company may choose to form a new bank holding company to acquire the shares of the institution rather than the individuals acquiring the shares of the institution directly. Were the individuals to acquire control of the institution directly, the transaction would, in many instances, be subject to the provisions of the Change in Bank Control Act. However,

by choosing the bank holding company form, the transaction becomes subject to the provisions of the BHC Act and is expressly exempt from the provisions of the Change in Bank Control Act.

The Board believes that bank holding company formations of these types that involve an actual change in control and management of a bank merit the same type of review of subsequent changes in directors and management of the institution as would apply had the individuals acquired the institution's shares directly. Accordingly, the Board has applied the provisions of section 914 to changes in directors and senior executive officers at bank holding companies that were formed within two years of the management change. The regulation does not extend, however, to bank holding companies that have been established in a reorganization in which substantially all of the shareholders of the bank holding company were shareholders of the bank prior to the holding company's fomation unless the institution is undercapitalized, in troubled condition, or otherwise subject to section 914. Similarly, the regulation does not extend to bank holding companies that are formed as an intermediate holding company that is owned by a registered bank holding company, unless the regulation is otherwise applicable.

The Board does not require that notices under section 914 be filed by institutions involved in other transactions that are exempt from the notice requirements of the Change in Bank Control Act under that Act or under § 225.42 of the Board's Regulation Y. (12 U.S.C. 1817(j); 12 CFR 225.42.) In this regard, the notice provisions of section 914 do not apply to state member banks or bank holding companies that are acquired by another previously registered bank holding company in a transaction subject to either the BHC Act or the Bank Merger Act (12 U.S.C. 1828(c)), unless the institution does not meet the appropriate minimum capital adequacy standards, is in troubled condition, or otherwise is required to file a notice under this section.

4. Procedures for Filing Notice and Information Required in the Notice

The responsibility for filing a notice under section 914 of FIRREA rests with the institution seeking to add or employ an individual as a director or senior executive officer. Notices under this section would be filed with the appropriate Reserve Bank.

Section 914 provides that certain information required under the Change in Bank Control Act is required in notices filed under this section. In particular, section 914 of FIRREA requires the following information regarding a person who is the subject of a notice: the identity, personal history, business background, and experience of the individual, including material business activities and affiliations during the past five years, a description of any pending legal or administrative proceedings in which the individual is a party, and an explanation of any criminal indictment or conviction involving the individual. The regulation adopts these information requirements.

Notices filed under this section may take the form of a letter containing the relevant information or the relevant sections of the current form filed under the Change in Bank Control Act. The Board or Reserve Bank may modify these requirements where appropriate, and may request additional information necessary to permit a full evaluation of the competence, experience, character, or integrity of the individual with respect to whom the notice has been filed, or of the public interest factors the Board must consider.

Under the regulation, the 30-day time period for System review of a notice would not commence until the notificant submits all the information required by the statute and requested by the Board or the Reserve Bank. The notificant will be informed by the Reserve Bank in writing once the notice is deemed to be complete and is considered effective. This letter from the Reserve Bank will also state when the 30-day period has begun as well as when the 30-day period ends.

5. Commencement of Service

Unless otherwise informed by the Board or Reserve Bank, an individual for whom a notice has been filed under this section may begin the proposed service as a member of the board of directors or as a senior executive officer on the 31st day following the date on which a complete notice is given to the appropriate Reserve Bank. Under the Board's regulation, an individual may begin his or her proposed service at an earlier date if the Board or the Reserve Bank notifies the employing institution in writing at an earlier date that the System does not intend to object to the proposed employment.

The Board has amended its Rules Regarding Delegation of Authority to permit the Reserve Banks to take all actions necessary regarding a notice filed under this subpart, including determining the informational sufficiency of the notice, issuing letters that the System does not intend to object to a proposed appointment, and issuing notices of disapproval of a proposed appointment.

6. Disapproval of a Notice and Appeals

The statute provides that an agency is required to disapprove a notice if the competence, experience, character, or integrity of the individual with respect to whom the notice is submitted indicates that it would not be in the best interest of the depositors of the bank or in the best interest of the public to permit the individual to be employed by, or associated with, the bank or bank holding company. These standards have been adopted in the regulation.

The Reserve Bank or the Board will inform the notificant in writing in the event the Federal Reserve System objects to the proposed service by an individual for whom a notice has been filed. The written notice of disapproval will contain an explanation of the basis for disapproval.

Under the regulation, the disapproved individual, the state member bank or the bank holding company notificant may appeal the disapproval to the Board. The appeal must be received by the Board within 15 calendar days of the effective date of the notice of disapproval. The appeal must be made in writing and must contain all facts, documents, and arguments that the appealing party wishes to be considered in the appeal. The disapproved individual may not serve as a director or senior executive officer while the appeal is pending. The Board will issue a written statement of its final decision to the appealing party.

In connection with an appeal, the Board may, in its sole discretion, order an informal hearing if requested by the disapproved individual or the notificant and if the Board finds that oral argument is appropriate or that a hearing is necessary to resolve issues of material fact. Section 914 does not confer a statutory right to a hearing. The Board requests comment on whether, in light of the court decisions in this area, a disapproved individual would have any constitutional right to a hearing in the case of a disapproval under section 914. (*See, e.g., Feinberg* v. *FDIC*, 420 F. Supp. 109 (D.C. 1976); *Connelly* v. *Comptroller of the Currency*, 876 F.2d 1209 (5th Cir. 1989)).

7. Waiver Provisions

Sections 914 of FIRREA permits the appropriate Federal banking agency to waive the notice provisions of this section in the event of extraordinary circumstances. The Board's regulation allows the Board or the appropriate Reserve Bank to waive the notice provision if the delay associated with

prior notice would threaten the safety or soundness of the state member bank or bank holding company involved, or any of the holding company's subsidiary banks. The notice requirements may also be waived if delay would harm the public interest or if extraordinary circumstances exist that justify a waiver. If a waiver is granted, the individuals subject to the waiver may immediately assume responsibility as a director or senior executive officer. As provided by section 914, the regulation states that waiver of the notice provisions does not affect the Board's authority to issue a subsequent notice of disapproval within 30 days after the waiver has been granted.

8. Interim Applicability

The provisions of section 914 of FIRREA were made immediately effective upon enactment of that Act on August 9, 1989. As a result, state member banks and bank holding companies are currently required by statute to file notices with the Board regarding proposed changes in directors and senior executive officers. The Board believes that it is in the public interest to clarify immediately the scope of section 914 and the procedures that should be followed by state member banks and bank holding companies. Accordingly, the Board for good cause, finds that these rules should be adopted on an interim basis and that notice and public comment prior to adoption of an interim rule is impracticable and contrary to the public interest under 5 USC 553(b)(B). The Board finds, for the same reasons, that there is good cause under 5 USC 553(d)(3) to make the interim rule effective immediately without regard to the 30-day period provided in 5 USC 553(d). Accordingly, the Board expects state member banks and bank holding companies to follow the procedures set out in the regulation, subject to amendment after the close of the comment period.

Regulatory Flexibility Act

This rule implements specific statutory requirements imposed by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Section 914 of that Act imposed specific prior notice requirements on certain types of banks and bank holding companies. This prior notice requirement is intended to permit the Federal banking agencies to monitor changes in the senior management and board of directors of banks and bank holding companies that are undercapitalized, in troubled condition, have been newly chartered, or have recently undergone a change in control. In enacting this provision, Congress determined that the burden that may be associated with the notice requirement was outweighed by the public benefits of review of senior management at certain banking institutions. The required notice is of short duration and should not significantly disrupt the hiring and appointment procedures of banks or bank holding companies, including small banking organizations. In order to minimize the burden associated with this regulation, the Board has adopted a procedure that allows action prior to the expiration of the statutory notice periods, and a provision for waiver of the notice provisions in extraordinary circumstances. The Board also expects notificants to use existing forms, thereby further minimizing any reporting burden. Thus, the regulation is not expected to have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

The regulation requires certain banks and bank holding companies to provide written notice to the Board prior to adding or replacing a director or senior executive officer. The Board intends to permit these organizations to use existing reporting forms in fulfilling this requirement.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Appraisals, Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in this notice, the Board amends 12 CFR part 225 as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority citation for part 225 is revised to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831i, 1843(c)(8), 1844(b), 3106, 3108, 3907 and 3909.

2. Subpart H, consisting of §§ 225.71 through 225.73, is added to read as follows:

Subpart H—Notice of Addition or Change of Directors and Senior Executive Officers

Sec.

Subpart H—Notice of Addition or Change of Directors And Senior Executive Officers

§ 225.71 Definitions.

(a) *Senior executive officer* means a person who, without regard to title, exercises the authority of one or more of the following positions: chief executive officer, chief operating officer, chief financial officer, chief lending officer, or chief investment officer. "Senior executive officer" also includes any other person with significant influence over major policymaking decisions of a state member bank or bank holding company.

(b) *Bank or bank holding company in troubled condition* means any state member bank or bank holding company that:

(1) Has a composite rating, as determined in the most recent report of examination or inspection, of 4 or 5 under the commercial bank Uniform Interagency Bank Rating System or under the Federal Reserve bank holding company rating system;

(2) Is subject to a cease and desist order or formal written agreement that requires action to improve the financial condition of the institution, unless otherwise informed in writing by the Board or the appropriate Reserve Bank; or,

(3) Is expressly informed by the Board or Reserve Bank that it is in troubled condition for purposes of the requirements of this subpart on the basis of the institution's most recent examination, report of condition, or inspection, or other information available to the Board.

§ 225.72 Director and officer appointments; prior notice requirement.

(a) *Prior notice.* A state member bank or bank holding company shall give the Board 30 days' written notice, as specified in § 225.73, before adding or replacing any member of the board of directors or employing or changing the responsibilities of any individual to a position as a senior executive officer of the bank or bank holding company, if:

(1) The bank has been chartered less than two years;

(2) Within the preceding two years, the bank or bank holding company has undergone a change in control that required a notice to be filed pursuant to the Change in Bank Control Act or subpart E of this part;

(3) Within the preceding two years, the bank holding company became a registered bank holding company, unless the bank holding company is owned or controlled by a registered bank holding

company, or the bank holding company was established in a reorganization in which substantially all of the shareholders of the bank holding company were shareholders of the bank prior to the bank holding company's formation; or

(4) The bank or bank holding company is not in compliance with all minimum capital requirements applicable to the institution as determined on the basis of the institution's most recent report of condition, examination or inspection, or is otherwise in troubled condition.

(b) *Advisory directors.* (1) For purposes of this subpart, except as provided in paragraph (b)(2) of this section, the term "member of the board of directors" does not include an advisory director who:

(i) Is not elected by the shareholders of the bank or bank holding company;

(ii) Is not authorized to vote on any matters before the board of directors; and

(iii) Provides solely general policy advice to the board of directors.

(2) The Board or Reserve Bank may otherwise determine that an advisory director is in fact functioning as a director or senior executive officer for purposes of this subpart.

§ 225.73 Procedures for filing, processing, and acting on notices; standards for disapproval; waiver of notice.

(a)(1) *Filing notice.* The notice required in § 225.72 shall be filed with the appropriate Reserve Bank and shall contain the information required by paragraph 6(A) of the Change in Bank Control Act (12 U.S.C. 1817(j)(6)(A)) or prescribed in the designated Board form, subject, in either case, to the authority of the Reserve Bank or the Board to modify these requirements or require additional information.

(2) *Acceptance of notice.* The 30-day notice period specified in § 225.72 shall begin on the date all required information is received by the appropriate Reserve Bank or the Board. The Reserve Bank shall notify the bank or bank holding company submitting the notice of the date all such required information is received and the notice is accepted for processing, and of the date on which the 30-day notice period will expire.

(b) *Commencement of service—(1) At expiration of period.* A proposed director or senior executive officer may begin service 30 days after a complete notice under paragraph (a) of this section has been accepted by the Reserve Bank unless the Board or Reserve Bank issues a notice of disapproval of the proposed addition or employment before the end of the 30-day period.

(2) *Prior to expiration of period.* A proposed director or senior executive officer may begin service before the expiration of the 30-day period if the Board or the Reserve Bank notifies the bank or bank holding company in writing of the Board's intention not to disapprove the addition or employment.

(c) *Notice of disapproval.* The Board or Reserve Bank must disapprove a notice under § 225.72 if the Board or Reserve Bank finds that the competence, experience, character, or integrity of the individual with respect to whom the notice is submitted indicates that it would not be in the best interests of the depositors of the bank or in the best interests of the public to permit the individual to be employed by, or associated with, the bank or bank holding company. The notice of disapproval shall contain a statement of the basis for disapproval.

(d) *Appeal.* (1) The disapproved individual or the state member bank or bank holding company may appeal to the Board the disapproval of a notice under this subpart within 15 calendar days of the effective date of the notice of disapproval. An appeal shall be in writing and explain the reasons for the appeal and include all facts, documents, and arguments that the appealing party wishes to be considered in the appeal.

(2) The Board may, in its sole discretion, order an informal hearing if the hearing is requested in writing by the disapproved individual or the notificant at the time of an appeal, and the Board finds that oral argument is appropriate or that a hearing is necessary to resolve disputes regarding material issues of fact.

(3) The disapproved individual may not serve as a director or senior executive officer while the appeal is pending. Written notice of the final decision of the Board shall be sent to the appealing party.

(e)(1) *Waiver of notice.* The Board or the Reserve Bank may waive the prior notice required under this subpart if it finds that:

(i) Delay would threaten the safety or soundness of the state member bank or the bank holding company or any of its bank subsidiaries;

(ii) Delay would not be in the public interest; or

(iii) Other extraordinary circumstances exist that justify waiver of prior notice.

(2) *Effect on disapproval authority.* Any waiver issued by the Board or Reserve Bank shall not affect the authority of the Board or Reserve Bank to issue a notice of disapproval within 30 days after such waiver.

By order of the Board of Governors of the Federal Reserve System, February 13, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-4376 Filed 2-26-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 771 and 799

[Docket No. 900121-0021]

RIN 0694-AA07

Expansion of General License GFW

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule and request for public comments.

SUMMARY: The Omnibus Trade and Competitiveness Act (OTCA), signed by the President on August 23, 1988, amended section 5(b)(3)(A) of the Export Administration Act of 1979 (EAA) to require the removal of national security based licensing requirements on certain exports of low level items to free world countries. Commodities that are covered by this provision are those described in the Advisory Notes in the Commodity Control List that indicate likelihood of approval for Country Groups QWY.

Currently, General License GFW authorizes Advisory Note level items to be shipped to countries in Supplement Nos. 2 and 3 to part 773, except Ethiopia, Lebanon, and Nicaragua. This rule implements the OTCA by expanding General License GFW to allow Advisory Note level items to be exported to Country Groups T and V, excluding the People's Republic of China, Afghanistan, Iran, Syria, and the People's Democratic Republic of Yemen.

Some commodities remain ineligible for General License GFW because they are controlled for other than national security reasons. Such commodities are described in the Advisory Notes containing the phrase "(Not Eligible for General License GFW)". For some commodities, GFW is available only to those countries described in Supplement Nos. 2 or 3 to part 773 because the commodities are also controlled for nuclear non-proliferation reasons. Such commodities are described in the Advisory Notes containing the phrase "(GFW Eligibility restricted to those countries listed in supplement Nos. 2 or 3 to part 773)".

In addition, this rule imposes a license requirement on certain civilian and industrial explosive charges under ECCN 2708A, to properly implement existing COCOM agreements. This rule complies with the provisions of section 5 of the EAA. This rule also establishes a new Advisory Note that makes most charges covered by ECCN 2708A eligible for General license GFW.

DATES: This rule is effective February 27, 1990. Comments must be received by April 13, 1990.

ADDRESSES: Written comments (six copies) should be sent to: Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377–2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements and Invitation To Comment

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). As a result of this rule, a reduction of paperwork burden on the public is anticipated. Because BXA's statistical base does not differentiate between items in Advisory Notes and other items in the same entries, we are unable to quantify the extent of the paperwork reduction. Affected OMB controlled collections include 0694–0005, 0694–0007, and 0694–0010.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. Section 13(a) of the Export Administration Act of 1979 (EAA), as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. This rule is being published in interim form pursuant to section 13(b) of the EAA, and an opportunity for public comment is provided. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Because this rule is being issued in interim form, comments will be considered in the development of final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close April 13, 1990. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

In addition to comments on the effects of this rule, BXA would appreciate any comments that would help quantify the extent of the anticipated reduction in licensing burden.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 4086, Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 377–2593.

List of Subjects in 15 CFR Parts 771 and 799

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 771 and 799 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

1. The authority citations for parts 771 and 799 continue to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97–145 of December 29, 1981, by Pub. L. 99–64 of July 12, 1985 and by Pub. L. 100–145 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 771—[AMENDED]

2. Section 771.23 is amended by revising paragraphs (b) and (c) to read as follows:

§ 771.23 General license GFW; low level exports to certain countries.

* * * * *

(b) *Eligible countries.* Shipments of eligible commodities may be made under this general license to any destination in Country Groups T or V except the People's Republic of China, Afghanistan, Iran, Syria, or the People's Democratic Republic of Yemen, unless the Advisory Notes that indicate likelihood of approval for Country Groups QWY contain additional country restrictions.

(c) *Eligible commodities.* The commodities eligible for export under this general license are those described in the Advisory Notes in the Commodity Control List that indicate likelihood of approval for Country Groups QWY. (The Advisory Notes for the People's Republic of China and the notes indicating "favorable consideration" are not applicable to GFW eligibility). End-use and quantity restrictions in such Advisory Notes may be disregarded in determining whether GFW may be used.

However, certain Advisory Notes may contain specific restrictions on the applicability of GFW. When the Advisory Note is excluded from GFW eligibility, the exclusion will be described by the phrase "Not Eligible for General License GFW". When the Advisory Note is restricted from GFW eligibility, the restriction will be described by the phrase "GFW Eligibility Restricted to those Countries Listed in Supplement Nos. 2 or 3 to part 773". Shipments of eligible commodities are subject to the prohibitions contained in § 771.2(c).

PART 799—[AMENDED]

Supplement No. 1 to § 799.1 [AMENDED]

3. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generating Equipment), ECCN 3261A is amended by inserting the phrase "(GFW Eligibility Restricted to those Countries Listed in Supplement Nos. 2 or 3 to part 773)" immediately before the phrase "Licenses are likely to be approved" in Advisory Note 1 and Advisory Note 2.

4. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1312A is amended by inserting the phrase "(GFW Eligibility of Presses Described in Paragraph (b) of the "List" Above Restricted to those Countries Listed in Supplement Nos. 2 or 3 to part 773)" immediately before the phrase "Licenses are likely to be approved" in the Advisory Note.

5. In Supplement No. 1 to § 799.1, (the Commodity Control List) is amended by removing the *"GFW Eligibility"* paragraph for the following ECCN's:

In Commodity Group 3 (General Industrial Equipment), ECCN 1353A;

In Commodity Group 5 (Electronics and Precision Instruments), ECCN's 1510A, 1526A, 1531A, 1532A, 1537A, 1545A, 1558A, 1559A, 1564A, 1567A, 1572A and 1586A; and

In Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 1767A.

6. In Supplement No. 1 to § 799.1, (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1361A is amended by revising the phrase "(Not Eligible for General License G–COM)" to read "(Not Eligible for General Licenses GFW and G–COM)" in the (Advisory) Note.

7. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1460A is amended by removing the *"G–COM Eligibility"* paragraph and by revising the phrase "(Not Eligible for General License G–COM)" to read "(Not Eligible for General Licenses GFW and G–COM)" in (Advisory) Note 6.

8. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1501A is amended by removing the *"GFW Eligibility"* paragraph and by inserting the phrase "(GFW Eligibility Restricted to those Countries Listed in Supplement Nos. 2 or 3 to Part 773)" immediately before the phrase "Licenses are likely to be approved" in the (Advisory) Note.

9. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1532A is amended by removing the *"GFW Eligibility"* paragraph and by inserting the phrase "(GFW Eligibility restricted to those Countries Listed in Supplement Nos. 2 or 3 to part 773)" immediately before the phrase "Licenses are likely to be approved" in the Advisory Note.

10. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1534A is amended by inserting the phrase "(GFW Eligibility Restricted to those Countries Listed in Supplenent Nos 2 or 3 to part 773)" immediately before the phrase "Licenses are likely to be approved" in the (Advisory) Note.

11. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1555A is amended by removing the *"GFW Eligibility"* paragraph and by inserting the phrase "(GFW Eligibility restricted to those Countries Listed in Supplement Nos. 2 or 3 Part 773)" immediately before the phrase "Licenses are likely to be approved" in (Advisory) Note 2.

12. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1564A is amended by removing the *"GFW Eligibility"* paragraph;

By removing the "Special G–COM Note for Advisory Note 9" that follows "Advisory Note 8";

By inserting the phrase "for purposes of General Licenses G–COM and GFW, the limitations imposed in Advisory Note 9 by paragraphs (a)(3), (b)(5)(i) and (b)(5)(iii), (b)(6)(iii), (b)(7)(iv), (b)(7)(v) and (b)(7)(vi), (b)(8)(i), and (c) are waived; paragraph (b)(9) is waived only for those countries listed in Supplement Nos. 2 or 3 to Part 773.)" immediately before the phrase "Licenses are likely to be approved" in Advisory Note 9; and

By revising the phase "(Not Eligible for General License G–COM)" to read "(Not Eligible for General Licenses GFW and G–COM)" in Advisory Note 12.

13. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1585A is amended by inserting the phrase "(GFW Eligibility Restricted to those Countries Listed in Supplenent Nos. 2 or 3 to Part 773)" immediately before the phrase "Licenses are likely to be approved" in (Advisory) Note 3.

14. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and Their Manufactures), ECCN 3604A is amended by removing the *"GFW Eligibility"* paragraph and by inserting the phrase "(GFW Eligibility restricted to those Countries Listed in Supplement Nos. 2 or 3 to Part 773)" immediately before the phrase "Licenses are likely to be approved" in the Advisory Note.

15. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and Their Manufactures), ECCN 3605A is amended by removing the *"GFW Eligibility"* paragraph and by inserting the phrase "(GFW Eligibility Restricted to those Countries Listed in Supplement Nos. 2 or 3 to Part 773)" immediately before the phrase "Licenses are likely to be approved" in the Advisory Note.

16. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 2708A is amended by revising the heading of the "List of Explosives, Propellants, and Fuels Controlled by ECCN 2708A" and adding a new paragraph (o) at the end of the "List"; and by adding a new Technical Note and a new Advisory Note immediately following new paragraph (o) at the end of the entry to read as follows:

§ ECCN 2708A Charges, explosives, propellants, and fuels as described in this entry.

* * * * *

List of Charges, Explosives, Propellants, and Fuels Controlled by ECCN 2708A

* * * * *

(o) Charges specially designed for civilian applications, containing military explosives.

Technical Note: Military high explosives are solid, liquid or gaseous substances or mixtures of substances that, in their application as primary, booster, or main charges in warheads, demolition and other military applications, are required to detonate.

Advisory Note: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for the shipment of certain explosive substances and mixtures in

reasonable quantities for civilian or industrial purposes when made into cartridges or charges of an exclusively civilian or industrial nature, such as propellants for sporting purposes or shooting gallery practice; cartridges for rivetting guns; and explosive charges for agricultural purposes, public works, mines, quarries or oil-well drilling. The following are the substances or mixtures to which this procedure applies:

(a) Nitrate-based (40 per cent or more) and provided they do not contain more than 40 percent nitroglycol/nitroglycerin or no more than 16 per cent TNT:

(b) Nitrocellulose with a nitrogen content of over 12.2 percent;

(c) Nitroglycerin;

(d) Single base nitrocellulose;

(e) Sodium azide and other inorganic azides.

17. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 1763A is amended by inserting the phrase "(GFW Eligibility Restricted to those Countries Listed in Supplement Nos. 2 or 3 to part 773)" immediately before the phrase "Licenses are likely to be approved" in (Advisory) Note 6.

Dated: February 23, 1990.

James M. LeMunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 90-4253 Filed 2-26-90; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Classification of Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to delegate certain authorities to officials in the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER) relating to determining the classification of devices first marketed before or after May 28, 1976.

EFFECTIVE DATES: February 27, 1990.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amendment the delegations of authority by adding § 5.51 Determination of classification of devices to 21 CFR part 5 to delegate authority to the Director and Deputy Director, CDRH; the Director, Deputy Director, and Associate Director, Office of Device Evaluation (ODE), CDRH; and the Director and Deputy Director, CBER, to classify a medical device first marketed before May 28, 1976, as described in section 513(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(d)). Authority is also delegated to the Director and Deputy Director, CDRH; the Director, Deputy Director, Associate Director, Chief of the Premarket Notification Section, and Division Directors, ODE, CDRH; and the Director and Deputy Director, CBER, to classify a medical device first marketed after May 28, 1976, as described in section 513(f)(1)(A) of the act. The delegation codifies ongoing practices of CDRH and CBER.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-902 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-392); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354-360F, 361, 362, 1701-1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b-263n, 264, 265, 300u-300u-5, 300aa-1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591.

2. New § 5.51 is added to subpart B to read as follows:

§ 5.51 Determination of classification of devices.

(a) The following officials, for devices assigned to their respective organizations, are authorized to determine the classification of a medical device in commercial distribution prior to May 28, 1976, pursuant to section 513(d) of the Federal Food, Drug, and Cosmetic Act (the act):

(1) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, CDRH.

(2) The Director and Deputy Director, Center for Biologics Evaluation and Research (CBER).

(b) The following officials, for devices assigned to their respective organizations, are authorized to determine the classification of a medical device first intended for commercial distribution after May 28, 1976, pursuant to section 513(f)(1)(A) of the act:

(1) The Director and Deputy Director, CDRH, and the Director, Deputy Director, Associate Director, Chief of the Premarket Notification Section, and Division Directors, Office of Device Evaluation, CDRH.

(2) The Director and Deputy Director, CBER.

Dated: February 16, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-4389 Filed 2-26-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 133

[Docket No. 88N-0437]

Cheeses: Amendment of Standards of Identity To Permit Use of Antimycotics on the Exterior of Certain Bulk Cheeses During Curing and Aging

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standards of identity for edam cheese (and, by cross-reference, gouda cheese), swiss and emmentaler cheese, and swiss cheese for manufacturing to permit the use of antimycotics on the exterior of those bulk cheeses during curing and aging and on the exterior of the cheese for manufacturing. The amendment will reduce waste in cheese manufacturing and will promote honesty and fair dealing in the interest of consumers.

DATES: Effective April 30, 1990. Written objections and requests for a hearing by March 29, 1990.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James F. Lin, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0122.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 4, 1989 (54 FR 32091), FDA published a proposal to amend the standards of identity for edam cheese (21 CFR 133.138), (and by cross-reference, gouda cheese (21 CFR 133.142)), swiss and emmentaler cheese (21 CFR 133.195), and swiss cheese for manufacturing (21 CFR 133.196) to permit the use of antimycotics on the exterior of these bulk cheeses during curing and aging and on the exterior of the cheese for manufacturing. These standards of identity already permit antimycotics to be applied to the surface of slices or cuts of these cheeses in consumer-sized packages. Interested persons were given until October 3, 1989, to submit comments.

FDA received one comment in response to the proposal. That comment was a letter from a trade association in support of the proposal. Accordingly, FDA is amending the standards of identity for edam cheese (21 CFR 133.138), (and by cross-reference, gouda cheese (21 CFR 133.142)), swiss and emmentaler cheese (21 CFR 133.195) and swiss cheese for manufacturing (21 CFR 133.196) to provide for the optional use of antimycotics on the exterior of the bulk cheeses.

Economic Impact

In the preamble to the proposal (54 FR 32091), the impact of the proposed amendment on small entities, including small businesses, was reviewed in accordance with the Regulatory Flexibility Act (Pub. L. 96–354) (5 U.S.C. 601). No comments were received on the review presented. FDA has concluded that this action will not result in a significant economic impact on a substantial number of small entities. Therefore, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

Objections

Any person who will be adversely affected by this regulation may at any time on or before March 29, 1990, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended a be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall consitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 133

Cheese, Food grades and standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 133 is amended as follows:

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

1. The authority citation for 21 CFR part 133 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 376).

2. Section 133.138 is amended by revising paragraph (b)(3)(iv) to read as follows:

§ 133.138 Edam cheese.

* * * * *

(b) * * *

(3) * * *

(iv) Antimycotic agents, the cumulative levels of which shall not exceed current good manufacturing practice, may be added to the surface of the cheese.

* * * * *

3. Section 133.195 is amended by revising paragraph (b)(3)(iv) to read as follows:

§ 133.195 Swiss and emmentaler cheese.

* * * * *

(b) * * *

(3) * * *

(iv) Antimycotic agents, the cumulative levels of which shall not exceed current good manufacturing practice, may be added to the surface of the cheese.

* * * * *

4. Section 133.196 is revised to read as follows:

§ 133.196 Swiss cheese for manufacturing.

Swiss cheese for manufacturing conforms to the definition and standard of identity prescribed for swiss cheese by § 133.195, except that the holes, or eyes, have not developed throughout the entire cheese.

Dated: February 1, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–4390 Filed 2–26–90; 8:45 am]

BILLING CODE 4160–01–M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Rulemaking No. 3]

Citizenship of Responsible Officers and Sponsors Exchange-Visitor Program; Citizenship of Responsible Officers and Sponsors

AGENCY: United States Information Agency.

ACTION: Filing date for comments extended.

SUMMARY: The definition of "sponsor" was first published at 14 FR 4592, July 1949. It required that all designated sponsors of exchange visitor programs be United States agencies or institutions. On May 29, 1987, the Agency published a notice of proposed rulemaking at 52 FR 20097 to provide that Responsible Officers of designated sponsors be citizens of the United States and that designated sponsors be incorporated in the United States. On August 11, 1989, at 54 FR 32964, (corrected at 54 FR 34503, August 21, 1989, and amended at 54 FR 40386, October 2, 1989) the Agency adopted a final rule wherein the longstanding requirement of the United States citizenship of sponsors and responsible officers of exchange visitor programs was further defined. On November 20, 1989 (at 54 FR 47976) the date by which current sponsors must document their citizenship was postponed and further public comment was sought. Comments

were to be received by the Agency no later than January 19, 1990. Fifty-six parties responded prior to the due date. Thirteen parties responded after January 19, 1990, some as late as January 24, five days after the due date. None of the parties asked for leave to late file, nor did they offer a reason for the late filing. By this notice the Agency seeks public comment as to whether to admit the additional thirteen comments to the record.

DATES: If no parties object to the admission of the late filed comments by March 19, 1990, the late filed comments will be admitted to the record. If objections are received, the Agency will consider the objections prior to determining whether the comments should be accepted into the record.

ADDRESSES: Interested persons should submit relevant views or arguments to Merry Lymn, Assistant General Counsel, Office of the General Counsel, room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Merry Lymn, Assistant General Counsel, Office of the General Counsel, Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547, (202) 485–8829.

SUPPLEMENTARY INFORMATION: In the notice published November 20, 1989, at 54 FR 47976, the Agency stated that "[c]omments on the rule will be accepted until January 19, 1990. All written communications received on or before the closing date will be considered by the Agency before further action is taken regarding the citizenship of exchange visitor sponsors." Consequently, the Agency cannot consider the late filed comments unless there is no objection from the other parties or the public, or there is a good reason given for the late filing. None of the parties gave a reason for the late filing; none requested permission to file late. Accordingly, the Agency requests that parties or any member of the public who may have an objection to accepting the late comments into the record, make the objection known to the Agency.

Dated: February 20, 1990.

Alberto J. Mora,

General Counsel.

[FR Doc. 90–4398 Filed 2–26–90; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 207 and 255

[Docket No. R–90–1459; FR–2700–F–02]

Technical Revisions to Parts 207 and 255

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule makes technical revisions to a recently published final rule to clarify provisions in that rule relating to restrictions on secondary financing. The purpose of this rule is to make it feasible for a limited number of cooperatives to obtain the benefits of FHA mortgage insurance not otherwise available to them.

EFFECTIVE DATE: March 29, 1990.

FOR FURTHER INFORMATION CONTACT: Frank Brown, Office of Multifamily Housing Development, Room 6134, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755–6500. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department published a final rule on January 24, 1989 (54 FR 3444) to add clarifying language to the regulations governing FHA insurance and coinsurance of mortgages covering existing cooperative housing projects. In the January 24, 1989 rule, the Department explained that—

> Without the clarifying revisions contained in this rule, a significant number (perhaps a majority) of existing projects which would normally be expected to utilize this type of FHA insurance [i.e., FHA insurance covering mortgages on existing projects] to refinance their cooperative mortgage debt might not be able to do so. The revisions proposed herein are more technical than substantive in nature and are intended to remedy this situation. They reflect no new policies of the Department but, rather, are designed to carry out existing policy more effectively.

The preamble to that rule also further explained that the rule amended "parts 207 (§207.32a(j)(6)) and 255 (§ 255.504(g)) to exclude 'share' or 'membership' loans by individual cooperative members from limitations on secondary financing applicable to the project as a whole." 54 FR at 3445.

The actual regulatory text, however, in both of the cited sections provides that "The limitations on secondary financing * * * do not apply to loans taken by individual cooperative members to finance 'share' or 'membership' purchases or unit transfers." This language, the Department recognizes, may misleadingly suggest that the regulation excludes loans taken by individual cooperative members to refinance an existing share loan. This is not the intent of these sections and, as pointed out by a commenter, such refinancing transactions may be routinely entered into to reduce an existing high-interest loan.

Accordingly, § 207.32a(j)(6) and § 255.504(g) are amended to read, respectively:

> The limitations on secondary financing described in this paragraph (j) do not apply to loans taken by individual cooperative members to finance or refinance 'share' or 'membership' purchases or unit transfers.
>
> [and]
>
> The limitations on secondary financing described in this section do not apply to loans taken by individual cooperative members to finance or refinance 'share' or 'membership' purchases or unit transfers.

As alluded to above, this is a mere technical amendment that makes clear that refinancing of "share" or "membership" ownership is permissible under the applicable regulations.

Findings and Certifications

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and

Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule merely makes a technical amendment to clarify a predecessor final rule that makes it feasible for a limited number of cooperatives to obtain the benefits of FHA mortgage insurance not otherwise available to them.

Executive Order 12606, the Family. The General Counsel, as the Designated Official under Executive Order 12606, *the Family,* has determined that this rule will not have potential significant impact on family formation, maintenance, and general well-being, and, therefore, is not subject to review under the Order. The rule is a technical amendment to a previous final rule and may have a salutary effect on the family insofar as it clarifies the rules regarding refinancing of "share" and "membership" ownership.

Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that this rule will not have substantial, direct effects on States, on their political subdivisions, or on their relationship with the Federal government, or on the distribution of power and responsibilities between them and other levels of government. The rule does not implicate State or local governmental power; it is a Federal regulation affecting financial institutions and individuals only, not political jurisdictions.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 30, 1989 (54 FR 44702) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(The catalog of Federal Domestic Assistance program numbers are 14.155 and 14.173)

List of Subjects

24 CFR Part 207

Mobile homes, Mortgage insurance, Solar energy.

24 CFR Part 255

Mortgage insurance, Coinsurance of multifamily mortgages.

Accordingly, 24 CFR parts 207 and 255 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. The authority citation for part 207 continues to read as follows:

Authority: Secs. 207, 211, National Housing Act (12 U.S.C. 1713, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Sections 207.258 and 207.258b also are issued under section 203(e), Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(e)).

2. Section 207.32a is amended by revising paragraph (j)(6) to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(j)(1) * * *

(6) The limitations on secondary financing described in this paragraph (j) do not apply to loans taken by individual cooperative members to finance or refinance "share" or "membership" purchases or unit transfers.

* * * * *

PART 255—COINSURANCE FOR THE PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS

3. The authority citation for part 255 continues to read as follows:

Authority: Secs. 211, 244, National Housing Act (12 U.S.C. 1715b, 1715z–9); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. Section 255.504 is amended by revising paragraph (g) to read as follows:

§ 255.504 Mortgage lien and other obligations.

* * * * *

(g) The limitations on secondary financing described in this section do not apply to loans taken by individual cooperative members to finance or refinance "share" or "membership" purchases or unit transfers.

Dated: February 15, 1990.

Peter Monroe,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 90–4341 Filed 2–26–90; 8:45 am]

BILLING CODE 4210–27–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 90–70]

Administative Practice and Procedure

AGENCY: Federal Communications Commission.

ACTION: Final rule; technical amendment.

SUMMARY: This Order amends § 0.5(d) of the Commission's rules to state that Commission meetings are held monthly rather than weekly. The amended rule reflects current Commission practice.

EFFECTIVE DATE: February 27, 1990.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Linda Blair, Office of General Counsel, (202) 254–6530.

SUPPLEMENTARY INFORMATION: On February 9, 1990, the Commission adopted the following Order amending § 0.5(d) of the Commission's rules, 47 CFR 0.5(d). This amendment corrects the rule concerning the frequency of Commission meetings.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Part 0 (Commission organization) of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.5 is amended by revising the first sentence of paragraph (d) to read as follows:

§ 0.5 General Description of Commission Organization and Operations.

* * * * *

(d) Commission action. Matters requiring Commission action, or warranting its consideration, are dealt with by the Commission at regular monthly meetings, or at special meetings called to consider a particular matter. * * *

* * * * *

[FR Doc. 90–4425 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–52; RM–6613]

Radio Broadcasting Services; Marlow, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Austin Broadcast Services, Inc., substitutes Channel 221C1 for Channel 221C2 at Marlow, Oklahoma, and modifies its license for Station KFXI(FM) accordingly. Channel 221C1 can be allotted to Marlow in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 34–38–54 and West Longitude 97–57–30. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 9, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–52, adopted January 29, 1990, and released February 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments, is amended under Marlow, Oklahoma, by removing Channel 221C2 and adding Channel 221C1.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4426 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[FCC 90–59]

Commercial FM Construction Permit Applications

AGENCY: Federal Communications Commission.

ACTION: Policy statement.

SUMMARY: This Public Notice announces four policy changes which will speed processing time for applications for new FM stations. The first change authorizes the Commission staff to release the Notice of Acceptance of applications prior to an engineering study of the applications. This change will reduce the processing time by about 45 days. The other changes would permit the staff in three circumstances to waive the hard look requirements of the rules. In the situation where only one applicant has filed for an allotment, the staff would waive the hard look rules to allow the applicant one opportunity to correct tenderability defects and one opportunity to correct acceptability defects in its application. In situations where more than one applicant has filed for an allotment, but a settlement agreement is proposed, the staff would waive the hard look rules to allow the surviving applicant an opportunity to correct any defect in its application. This same opportunity would also be afforded to a previously dismissed applicant if that applicant has preserved its rights on appeal and is proposing to buy out the remaining applicants. These proposals to allow limited waiver of the hard look will provide strong incentives for applicants to settle prior to hearing.

EFFECTIVE DATE: February 9, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: W. Jan Gay, Audio Services Division, Mass Media Bureau, (202) 632–6485.

SUPPLEMENTARY INFORMATION: Released: February 9, 1990.

The Commission Announces Four Policy Changes in Processing of Commercial FM Construction Permit Applications for New Facilities

In June 1985, in the *Report and Order* in MM Docket 84–750 ("*Report and Order*"), the Commission adopted new FM "hard look" filing window processing procedures which, among other things, restrict the period of time within which amendments going to the tenderability (*i.e.*, substantial completeness) of applications may be filed.[1] Under these processing procedures, applicants may perfect the tenderability of their applications and retain filing window status only by an amendment filed by the close of the applicable window. Nearly two dozen basic tenderability criteria were specified by the Commission in Appendix D to the *Report and Order*.

The *Report and Order* made no substantive change in existing policy governing acceptability of applications as defined in 47 CFR 73.3566(a), prior case law and the Commission's *Public Notice* concerning patently defective AM and FM construction permit applications.[2] (If an application is found tenderable, it is then studied for acceptability, which requires compliance with certain statutory and international treaty provisions, as well as technical rules for FM stations.) However, under the "hard look" processing system, an applicant is provided a 30-day period within which to perfect its application's acceptability for filing. This 30-day period is triggered by the application's appearance on a Public Notice as an application accepted for tender. After the period closes, the filing of amendments is severely constrained.[3]

Prior to the time these changes were made, the FM Branch had been returning approximately 40% of the tendered construction permit applications. Many errors in key portions of the applications remained undetected until considerable processing time and effort had already been expended. Discovery of fundamental errors so far along in the processing chain resulted in significant delays in disposing of the flawed applications, in processing problem-free but mutually exclusive applications and in processing unrelated problem-free applications.

The Commission believed that the "hard look" approach would thus yield important benefits. First, the reduction of frivolous and speculative applications would enable us to more rapidly process *all* applications, particularly those tendered by serious candidates who were "ready, willing and able" to rapidly bring service to the public. Second, streamlining our processing procedures would enable us to make more efficient use of our limited staff and other resources in processing large numbers of applications.

To date, the "hard look" processing system has, in large measure, accomplished its originally intended result. Since the institution of the "hard look", the Commission has opened filing windows for a total of 1341 new channels. By January 1, 1990, the staff had processed approximately 5000 construction permit applications filed for these allotments. Significantly, the number of applications for new facilities currently being returned by the staff is approximately 5% of those tendered.

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[1] 50 FR 19936 (1985). *See* para. 31 and Appendix D of the *Report and Order*, as well as 47 CFR 73.3522(a)(6) and 73.3564(a).

[2] 49 FR 47331 (1984), *recon. denied*, 57 RR 2d 1603 (1985).

[3] These constraints are set forth in 47 CFR 73.3522(a)(6).

Nevertheless, although the present level of receipt by the Commission of applications for new facilities is estimated to be only 60 per month, approximately 2200 applications remain pending. In a further effort, therefore, to significantly shorten current processing times for the remaining backlog of applications, we are herein announcing four FM processing changes relating to applications for new commercial stations, which the staff is hereby instructed to implement immediately.

1. The first change is procedural and authorizes the staff to issue the required "Notice of Acceptance for Filing" prior to the staff's engineering study of the application. This Notice is mandated by Section 309 of the Communications Act for the purpose of establishing a 30-day period for the filing of petitions to deny. Currently, the Notice is released after the engineering study, and the legal study therefore cannot be completed until the petition to deny pleading cycle has ended. Triggering the statutory petition to deny pleading cycle while applications are still awaiting engineering study will insure that each file is virtually complete before both engineering and legal processing begins. We believe this change will shorten processing time by approximately 45 days per application. We note that if an application placed on public notice as acceptable for filing is subsequently determined to be unacceptable for filing, it may be dismissed as such. *See* 47 CFR 73.3566.

The other changes, in three factual settings, authorize the staff to waive the FM "hard look" processing rules which prohibit the filing of amendments curing tenderability or acceptability defects after the applicable amendment of right periods. We believe that "hard look" waivers in the three circumstances described below would, at this time, better serve the public interest. Specifically, these waivers would permit the immediate authorization of new service in situations where the defects in question would otherwise bar settlements or grants for applicants and would, therefore, occasion further procedural or administrative delay. These three changes are as follows:

2. In situations where only one applicant has applied in a filing window, the staff will waive the "hard look" rules to permit one opportunity to correct tenderability defects and one opportunity to correct acceptability defects in response to Commission deficiency letters, providing any such amendments do not conflict with a previously filed acceptable application.[4]

3. As to any applicant who proposes to buy out all other applicants in a mutually exclusive group, including any previously dismissed applicant whose dismissal is not final, the staff will waive the "hard look" rules to permit one opportunity for the surviving applicant to correct all defects in its application, providing such amendment does not conflict with a previously filed acceptable application.

4. As to any applicant previously dismissed for defects whose dismissal is not yet final and who proposes to buy out all remaining applicants in a mutually exclusive group, including any other dismissed applicant whose dismissal is not final, the staff will waive the "hard look" rules in order to permit reinstatement *nunc pro tunc* with a curative amendment for the limited purpose of settlement approval, providing such amendment cures all defects and does not conflict with a previously filed acceptable application.

We believe that waivers of the "hard look" rules in the above limited circumstances will result in significantly improved speed of service to the public. The "hard look" rules will continue to be applied in all other cases.

Note: As is the current practice with regard to all applications for new stations not mutually exclusive with another and for proposed settlements which would result in the immediate authorization of new service, cases involving the above three types of waivers will be taken out of line and expedited. However, requests for expedition should always be made in writing in order to alert the staff that the case in question falls within one of the above three categories.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-4433 Filed 2-26-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-51; RM-6576; RM-6644]

Radio Broadcasting Services; Port Matilda and Petersburg, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of P.A.C. Communications, Inc., allots Channel 300A to Port Matilda, Pennsylvania, as the community's first local FM service. Channel 300A can be allotted to Port Matilda in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.2 kilometers (1.4 miles) southwest to avoid short-spacing to Station WGBE, Channel 300A, Williamsport, Pennsylvania. The coordinates for this allotment are North Latitude 40-46-58 and West Longitude 78-04-22. Canadian concurrence has been received since Port Matilda is located within 320 kilometers [200 miles] of the U.S.-Canadian border. The mutually exclusive request of Victor A. Michael to allot Channel 300A to Petersburg Pennsylvania, is dismissed since no continuing interest in the allotment was expressed. With this action, this proceeding is terminated.

DATES: Effective April 9, 1990. The window period for filing applications will open on April 10, and close on May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-51, adopted January 21, 1990, and released February 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments, is amended under Pennsylvania by adding Port Matilda, Channel 300A.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4427 Filed 2-26-90; 8:45 am]

BILLING CODE 6712-01-M

[4] This policy will also apply to any sole applicant whose application has been dismissed on "hard look" grounds, but whose dismissal, at the time the applicant seeks to amend, is not yet final.

47 CFR Part 73

[MM Docket No. 89-107, RM-6617]

Radio Broadcasting Services; Coalmont, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 284A to Coalmont, Tennessee, as that community's first local FM service, at the request of Cumberland Communication Corporation. *See* 54 FR 21262, May 17, 1989. Channel 284A can be allotted to Coalmont in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.0 kilometers (3.7 miles) west of the community. The coordinates are 35–20–22 and 85–46–10. With this action, this proceeding is terminated.

DATES: Effective April 9, 1990; The window period for filing applications will open on April 10, 1990, and close on May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–107, adopted January 29, 1990, and released February 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Tennessee, by adding Coalmont, Channel 284A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4429 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–102; RM–6636; RM–6887]

Radio Broadcasting Services; Burnham and Altoona, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of DB Communications, allots Channel 244A to Burnham, Pennsylvania, as the community's first local FM service. At the request of Music Broadcasting, Inc., the Commission substitutes Channel 261B1 for Channel 261A at Altoona, Pennsylvania, and modifies its license for Station WPRR(FM) to specify the higher powered channel. Channel 244A can be allotted to Burnham in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.7 kilometers (6.6 miles) southwest to avoid a short-spacing to Station WPGM–FM, Channel 244A, Danville, PA, and Station WHP–FM, Channel 247B, Harrisburg, PA. Channel 261B1 can be allotted to Altoona with a site restriction of 10.4 kilometers (6.5 miles) northwest to avoid a short-spacing to Stations WXMJ, Channel 258A, Mount Union, PA, WFRE–FM, Channel 260B, Frederick, Maryland, and WJJB, Channel 261A, Romney, WV. The coordinates for Channel 244A at Burnham are North Latitude 40–33–40 and West Longitude 77–39–33. The coordinates for Channel 261B1 at Altoona are North Latitude 40–35–01 and West Longitude 78–28–45. Canadian concurrence has been received. With this action, this proceeding is terminated.

DATES: Effective April 2, 1990. The window period for filing applications for Channel 244A at Burnham, PA, will open on April 3, 1990, and close on May 3, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–102, adopted January 30, 1990, and released February 16, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under Pennsylvania is amended by removing Channel 281A and adding Channel 261B1 at Altoona, and adding Burnham, Channel 244A.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4087 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 74

[MM Docket No. 83–523; FCC 90–69]

Instructional Television Fixed Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends a procedure for breaking ties among mutually exclusive competing applications in the Instructional Television Fixed Service which may remain after the primary comparative criteria are applied. This Order provides that the final date for filing receive sites to be considered in counting students for use in the tie-breaker will be the final date for filing petitions to deny and minor amendments to the subject applications.

EFFECTIVE DATE: April 6, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Romano, tele: (202) 632–9356.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information will not change due to the modification of the filing date. Send comments regarding this burden

estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of the Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

This is a summary of the Commission's *Memorandum Opinion and Order* in MM Docket No. 83–523, FCC 90–69, Adopted February 9, 1990, and Released February 21, 1990.

1. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

2. In this *Memorandum Opinion and Order,* the Commission modifies its procedure for comparative consideration of mutually exclusive competing applications in the Instructional Television Fixed Service ("ITFS"). Competing applicants get points based on various characteristics of the applicant and its application; *i.e.,* whether it is local, is accredited, has other channels, is vacating MDS channels, and the amount of ITFS programming it is proposing to provide. If the application of these criteria results in a tie for the highest point total, the contested authorization will be awarded to the tied applicant with the greatest student enrollment. For these purposes, all full- and part-time students formally enrolled in courses for credit towards an academic degree or diploma, or a legally required certification or license, and receiving their instruction at locations listed as receive sites, will be counted. For current and recent applications, the date for counting enrollment will be the last date for filing petitions to deny or amendments to competing applications ("B cut-off" date). Prior to this Order, the date for counting enrollment was the last date for filing competing applications ("A cut-off" date).

3. This change in filing dates has been adopted in response to a petition for partial reconsideration of the Commission's *Third Report and Order* in MM Docket No. 83–523, 54 FR 29039, July 11, 1989. Petitioners argued that this date would be more fair to all competing parties than the date specified in the *Third Report and Order.* The petitioners' recommendation was not opposed, and no other recommendation was advanced.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) it is certified that the final rule does not have a significant economic impact on a substantial number of small entities because only a few comparative selection cases each year result in a tie which would require application of criterion adopted, and the change in date will not affect the amount or type or information which must be filed.

5. The rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) and found to impose no new information requirement on the public.

6. Accordingly, *it is ordered,* That part 74 of the Commission's Rules and Regulations is amended as set forth below, effective April 6, 1990.

7. *It is further ordered,* That the Office of the Managing Director SHALL SEND to the Chief Counsel for Advocacy of the Small Business Administration the certification that the rules adopted will have no significant impact on a substantial number of small entities.

List of Subjects in 47 CFR Part 74

Experimental, Auxiliary and special broadcast, and Other program distributional services, Television broadcasting.

Rule Changes

Part 74 of chapter 1 of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 74 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended, 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply Secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended; 47 U.S.C. 301, 303, 307.

§ 74.913 [Amended]

2. Section 74.913 is amended by revising the first sentence of paragraph (d)(1) as follows:

* * * * *

(d) * * *

(1) Enrollment will be considered as of the last date for filing petitions to deny against listed applications or to make minor amendments, as provided by § 74.911(c) of this part. * * *

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–4430 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 701, 702, 706, 715, 728, 750, 752, and Appendices

[AIDAR Notice 90–1]

Miscellaneous Amendments to Acquisition Regulations

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended to revise office titles to reflect a recent reorganization within AID; to clarify the AIDAR applicability statement to accurately reflect our established policy and practice for application of the FAR and AIDAR to AID-direct acquisition; to simplify and clarify our travel and transportation contract clause and conform it to current FAR cost principles for travel by commercial organizations; and to make miscellaneous editorial changes.

EFFECTIVE DATE: February 27, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Kelly, MS/PPE, Room 1600I, SA–14, Agency for International Development, Washington, DC 20523. Telephone (703) 875–1534.

SUPPLEMENTARY INFORMATION: The revision of office titles to reflect a recent reorganization is self-explanatory.

The AIDAR applicability statement in AIDAR 701.372(a) is being revised to specify that the FAR and AIDAR apply to all contracts to which AID is a direct party, regardless of currency of payment *or whether funds are appropriated or non-appropriated.* (Italicized words are new.) AID policy has always been to apply the FAR and AIDAR to all contracts to which AID is a direct party. The FAR definitions of acquisition and contract refer specifically to use of appropriated funds, unlike the definition of contract in the predecessor Federal Procurement Regulations. This has led some of our contracting offices to ask if contracts using non-appropriated funds should follow the FAR and AIDAR. We are revising the applicability statement to make it clear that as a matter of policy and absent an approved deviation, the FAR and AIDAR are to be used.

Our contract clause covering travel and transportation has been revised to conform to current government-wide cost principles concerning use of business-class air travel by commercial organizations. At the same time, the clause was editorially revised to

improve its clarity. The revisions to the travel and transportation clause led to separation of one portion of the clause dealing with approval of international travel and its establishment as a separate clause, and to editorial changes to two related contract clauses.

The editorial changes consist of correction of internal cross-references.

The changes being made by this Notice are not considered significant rules under FAR section 1.301 or subpart 1.5, nor major rules as defined in Executive Order 12291. This Notice will not have an impact on a substantial number of small entities, nor does it establish any information collection as contemplated by the Regulatory Flexibility Act and Paperwork Reduction Act. Because of the nature and subject matter of this Notice, use of the proposed rule/public comment approach was not considered necessary. We decided to issue as a final rule; however, we welcome public comment on the material covered by this Notice or any other part of the AIDAR at any time. Comments or questions may be addressed as specified in the **FOR FURTHER INFORMATION CONTACT** section of the Preamble.

List of Subjects in 48 CFR Parts 701, 702, 706, 715, 728, 750, 752, and Appendices

Government procurement.

For the reasons set out in the Preamble, Chapter 7 of Title 48 of the Code of Federal Regulations is amended as follows:

1. The authority citations in parts 701, 702, 706, 715, 728, 750, 752 and Appendices continue to read as follows:

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673, 3 CFR 1979 Comp., p. 435.

PART 701—FEDERAL ACQUISITION REGULATION SYSTEM

Subpart 701.1—Purpose, Authority, Issuance

701.105 [Amended]

2. Paragraph (b) of section 701.105, OMB approval under the Paperwork Reduction Act, is amended by removing "M/SER/PPE" and adding "MS/PPE".

Subpart 701.3—Agency for International Development Acquisition Regulation

3. Section 701.372 is amended by revising paragraph (a) to read as follows:

701.372 Applicability.

(a) Unless a deviation is specifically authorized in accordance with subpart 701.4, or unless otherwise provided, the FAR and AIDAR apply to all contracts (regardless of currency of payment, or whether funds are appropriated or non-appropriated) to which AID is a direct party.

* * * * *

701.376-4 [Amended]

4. Section 701.376-4, Implementation by AID contracting activities, is amended by removing "(M/SER/PPE)" and adding "(MS/PPE)".

Subpart 701.4—Deviations From The FAR or AIDAR

701.470 [Amended]

5. Paragraph (a)(2) of § 701.470, Procedure, is amended by removing "the Planning, Policy and Evaluation Staff of the Associate Assistant to the Administrator for Management M/SER/PPE," and adding "the Planning, Policy and Evaluation Staff, MS/PPE,".

Subpart 701.6—Contracting Authority and Responsibility

701.601 [Amended]

6. Paragraph (b)(4) of section 701.601, General, is amended by removing "M/SER/PPE" and adding "MS/PPE".

PART 702—DEFINITIONS OF WORDS AND TERMS

Subpart 702.170—Definitions

702.170-13 [Amended]

7. Paragraph (b) of section 702.170-13, Procurement Executive, is amended by removing "the Associate Assistant to the Administrator for Management," and adding "the Deputy Assistant to the Administrator for Management Services,".

PART 706—COMPETITION REQUIREMENTS

Subpart 706.5—Competition Advocates

706.501 [Amended]

8. Section 706.501, Requirement, is amended by removing "(M/SER/PPE)" and adding "MS/PPE".

PART 715.6—SOURCE SELECTIONS

715.613-70 [Amended]

9. Section 715.613-70, Title XII selection procedure—general, is amended as follows:

a. In paragraph (d)(2)(iv), remove "paragraph (b)" and add "paragraph (c)"; and remove "paragraph (c)(2) (i) through (iii)" and add "paragraph (d)(2) (i) through (iii)"; and

b. In paragraph (d)(4), remove "715.608-70(a)" and add "715.608".

715.613-71 [Amended]

10. Section 715.613.71, Title XII selection procedure—collaborative assistance, is amended as follows:

a. In paragraph (c)(1), remove "paragraph (d)" and add "paragraph (e)";

b. In paragraph (d), remove "paragraph (b)(1)" and add "paragraph (c)(1)";

c. Through an editorial error there are two paragraph (e)'s in § 715.613-71. The paragraph (e) entitled "*Determination*" is correctly designated; the paragraph (e) entitled "*Evaluation and selection*" is redesignated as paragraph (f).

d. In paragraph (e), (e)(1) and (e)(3), remove "paragraph (b)(1)" and add "paragraph (c)(1)".

PART 728—BONDS AND INSURANCE

Subpart 728.1—Bonds

728.105-1 [Amended]

11. Paragraph (b) of section 728.105-1, Advance payment bonds, is amended by removing "(M/SER/PPE)" and adding "(MS/PPE)".

PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

Subpart 750.71—Extraordinary Contractual Actions to Protest Foreign Policy Interests of the United States

750.7109-1, 750-7110-1, 750.7110-2, and 750.7110-3 [Amended]

12. Sections 750.7109-1, Filing requests; 750.7110-1, Investigation; 750.7110-2, Intra-agency coordination; and 750.7110-3, Submission of cases to the approving authority, are all amended by removing "(M/SER/PPE)" and adding "(MS/PPE)".

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 752.2—Texts of Provisions and Clauses

§ 752.202-1 [Amended]

13. The contract clause in paragraph b, *Alternate 70,* of section 752.202-1, Definitions, is amended as follows:

a. The contract clause date is revised from "(APR 1984)" to "(JAN 1990)"; and

b. Paragraph (i), "Economy class", is removed, and the remaining paragraphs (j) through (m) are redesignated as (i) through (l), respectively.

Subpart 752.70—Texts of AID Contract Clauses

14. Section 752.7002 is revised to read as follows:

§ 752.7002 Travel and transportation.

For use in cost reimbursement contracts performed in whole or in part overseas.

Travel and Transportation (Jan 1990)

(a) *General.* The Contractor will be reimbursed for reasonable, allocable and allowable travel and transportation expenses incurred under and for the performance of this contract. Determination of reasonableness, allocability and allowability will be made by the Contracting Officer based on the applicable cost principles, the Contractor's established policies and procedures, AID's established policies and procedures for AID direct-hire employees, and the particular needs of the project being implemented by this contract. The following paragraphs provide specific guidance and limitations on particular items of cost.

(b) *International travel.* For travel to and from post of assignment the Contractor shall be reimbursed for travel costs and travel allowances of travelers from place of residence in the United States (or other location provided that the cost of such travel does not exceed the cost of the travel from the employee's residence in the United States) to the post of duty in the Cooperating Country and return to place of residence in the United States (or other location provided that the cost of such travel does not exceed the cost of travel from the post of duty in the Cooperating Country to the employee's residence) upon completion of services by the individual. Reimbursement for travel will be in accordance with the applicable cost principles and the provisions of this contract, and will be limited to the cost of travel by the most direct and expeditious route. If a regular employee does not complete one full year at post of duty (except for reasons beyond his/her control), the costs of going to and from the post of duty for that employee and his/her dependents are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the Cooperating Country (except for reasons beyond his/her control) the costs of going to the post of duty are reimbursable hereunder but the costs of going from post of duty to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other location as approved by the Contracting Officer are not reimbursable under this contract for the employee and his/her dependents. When travel is by economy class accommodations, the Contractor will be reimbursed for the cost of transporting up to 22 pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket provided that the total number of pounds of baggage does not exceed that regularly allowed for first class travelers. Travel allowances for travelers shall not be in excess of the rates authorized in the Standardized Regulations (Government Civilians, Foreign Areas)—hereinafter referred to as the Standardized Regulations—as from time to time amended, for not more than the travel time required by scheduled commercial air carrier using the most expeditious route. One stopover en route for a period of not to exceed 24 hours is allowable when the traveler uses economy class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route or is delayed for the convenience of the traveler. Per diem during such stopover shall be paid in accordance with the established practice of the Contractor but not to exceed the amounts stated in the Standardized Regulations.

(c) *Local travel.* Reimbursement for local travel in connection with duties directly referable to the contract shall not be in excess of the rates established by the Mission Director for the travel costs of travelers in the Cooperating Country. In the absence of such established rates the Contractor shall be reimbursed for actual travel costs of travelers in the Cooperating Country, if not provided by the Cooperating Government or the Mission, including travel allowances at rates not in excess of those prescribed by the Standardized Regulations.

(d) *Travel for consultation.* The Contractor shall be reimbursed for the round trip of the Contractor's Chief of Party in the Cooperating Country or other designated Contractor employee or consultant in the Cooperating Country performing services required under this Contract, for travel from the Cooperating Country to the Contractor's office in the United States or to AID/Washington for consultation and return on occasions deemed necessary by the Contractor and approved in advance, in writing, by the Contracting Officer or the Mission Director.

(e) *Special international travel and third country travel.* For special travel which advances the purpose of the contract, which is not otherwise provided by the Cooperating Government, and with the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (i) the travel cost of travelers other than between the United States and the Cooperating Country and for local travel within other countries and (ii) travel allowance for travelers while in travel status and while performing services hereunder in such other countries at rates not in excess of those prescribed by the Standardized Regulations.

(f) *Indirect travel for personal convenience.* When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of allowable air fare via the direct usually traveled route. If such costs include fares for air or ocean travel by foreign flag carriers, approval for indirect travel by such foreign flag carriers must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by United States-flag carriers will be reimbursable within the above limitation of allowable costs.

(g) *Limitation on travel by dependents.* Travel costs and allowances will be allowed only for dependents of regular employees and such costs shall be reimbursed for travel from place of abode to assigned station in the Cooperating Country and return, only if dependent remains in the country for at least 9 months or one-half of the required tour of duty of the regular employee responsible for such dependent, whichever is greater. If the dependent is eligible for educational travel pursuant to the "Differential and Allowances" clause of this contract, time spent away from post resulting from educational travel will be counted as time at post.

(h) *Delays en route.* The Contractor may grant to travelers under this contract reasonable delays en route while in travel status when such delays are caused by events beyond the control of such traveler or Contractor. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as provided under the "Leave and Holidays" clause of this contract.

(i) *Travel by privately owned automobile.* The Contractor shall be reimbursed for the cost of travel performed by a regular employee in his/her privately owned automobile at a rate not to exceed that authorized in the Federal Travel Regulations plus authorized per diem for the employee and for each of the authorized dependents traveling in the automobile, if the automobile is being driven to or from the Cooperating Country as authorized under the contract, provided that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by surface common carrier or authorized air fare, whichever is less.

(j) *Emergency and irregular travel and transportation.* Emergency transportation costs and travel allowances while en route, as provided in this section will also be reimbursed not to exceed amounts authorized by the Foreign Service Travel Regulations for AID-direct hire employees in like circumstances under the following conditions:

(1) The costs of going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other location for Contractor employees and dependents and returning to the post of duty, when the Contractor's Chief of Party, with the concurrence of the Contracting Officer or Mission Director makes a written determination that such travel is necessary for one of the reasons specified in subparagraphs (j)(1) (i) and (ii) of this section. A copy of the written determination shall be furnished to the Contracting Officer.

(i) Need for medical care beyond that available within the area to which the employee is assigned, or serious effect on physical or mental health if residence is continued at assigned post of duty, subject in either case, to the limitations stated in the clause of this contract entitled "Personnel—Physical Fitness of Employee and Dependents." The Mission Director may

authorize a medical attendant to accompany the employee at contract expense if, based on medical opinion, such an attendant is necessary.

(ii) Death, or serious illness or injury of a member of the immediate family of the employee or the immediate family of the employee's spouse.

(2) When, for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so.

(3) The Mission Director may also authorize emergency or irregular travel and transportation in other situations, when in his/her opinion, the circumstances warrant such action. The authorization shall include the kind of leave to be used and appropriate restrictions as to time away from post, transportation of personal and/or household effects, etc. Requests for such emergency travel shall be submitted through the Contractor's Chief of Party.

(k) *Home leave travel.* To the extent that home leave has been authorized as provided in the "Leave and Holidays" clause of this contract, the cost of travel for home leave is reimbursable for travel costs and travel allowances of travelers from the post of duty in the Cooperating Country to place of residence in the United States (or other location provided that the cost of such travel does not exceed the cost of travel to the employee's residence in the United States) and return to the post of duty in the Cooperating Country. Reimbursement for travel will be in accordance with the applicable cost principles and the provisions of this contract, and will be limited to the cost of travel by the most direct and expeditious route. When travel is by economy class accommodations, the Contractor will be reimbursed for the cost of transporting up to 22 pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket provided that the total number of pounds of baggage does not exceed that regularly allowed for first class travelers. Travel allowances for travelers shall not be in excess of the rates authorized in the Standardized Regulations as from time to time amended, for not more than the travel time required by scheduled commercial air carrier using the most expeditious route. One stopover en route for a period of not to exceed 24 hours is allowable when the traveler uses economy class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route or is delayed for the convenience of the traveler. Per diem during such stopover shall be paid in accordance with the established practice of the Contractor but not to exceed the amounts stated in the Standardized Regulations.

(l) *Rest and recuperation travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of rest and recuperation provided that such reimbursement does not exceed that authorized for AID direct hire employees, and provided further that no reimbursement will be made unless approval is given by the Contractor's Chief of party.

(m) *Transportation of motor vehicles, personal effects and household goods.* (1) Transportation, including packing and crating costs, will be paid for shipping from the point of origin in the United States (or other location as approved by the Contracting Officer) to post of duty in the Cooperating Country and return to point of origin in the United States (or other location as approved by the Contracting Officer) of one privately-owned vehicle for each regular employee, personal effects of travelers and household goods of each regular employee not to exceed the limitations in effect for such shipments for AID direct hire employees in accordance with the Foreign Service Travel Regulations as in effect when shipment is made.

(2) If a regular employee does not complete one full year at post of duty (except for reasons beyond his/her control), the costs for transportation of vehicles, effects and goods to and from the post of duty are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the Cooperating Country (except for reasons beyond his/her control) the costs for transportation of vehicles, effects and goods to the post of duty are reimbursable hereunder but the costs for transportation of vehicles, effects and goods from post of duty to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other location as approved by the Contracting Officer are not reimbursable under this contract.

(3) The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating and transportation by surface. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the Cooperating Country, the cost of boxing or crating is not reimbursable. The transportation of a privately-owned motor vehicle for a regular employee may be authorized by the Contractor as replacement of the last such motor vehicle shipped under this contract for the employee when the Mission Director or his/her designee determines in advance and so notifies the Contractor in writing that the replacement is necessary for reasons not due to the negligence or malfeasance of the regular employee. The determination shall be made under the same rules and regulations that apply to Mission employees.

(n) *Unaccompanied baggage.* Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination. To permit the arrival of effects to coincide with the arrival of regular employees and dependents, consideration should be given to advance shipments of unaccompanied baggage. The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance for household effects) not to exceed the limitations in effect for AID direct hire employees in accordance with the Foreign Service Travel Regulations as in effect when shipment is made.

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used. This provision is applicable to home leave travel and to short-term employees when these are authorized by the terms of this contract.

(o) *Storage of household effects.* The cost of storage charges (including packing, crating, and drayage costs) in the U.S. of household goods of regular employees will be permitted in lieu of transportation of all or any part of such goods to the Cooperating Country under paragraph (m) above provided that the total amount of effects shipped to the Cooperating Country or stored in the U.S. shall not exceed the amount authorized for AID direct hire employees under the Uniform Foreign Service Travel Regulations.

(p) *International ocean transportation.* (1) Flag eligibility requirements for ocean carriage are covered by the "Source and Nationality Requirements" clause of this contract.

(i) Transportation of things. Where U.S. flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Transportation Division, Office of Procurement, Agency for International Development, Washington, DC. 20523, or the Mission Director, as appropriate, giving the basis for the request.

(ii) Transportation of persons. Where U.S. flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Contracting Officer or the Mission Director, as appropriate.

(2) Transportation of foreign-made vehicles. Reimbursement of the costs of transporting a foreign-made motor vehicle will be made in accordance with the provisions of the Foreign Service Travel Regulations.

(3) Reduced rates on U.S. flag carriers. Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of AID contract personnel. These reduced rates are available provided the shipper states on the bill of lading that the cargo is "Personal property-not for resale-payment of freight charges is at U.S. Government (AID) expense and any special or diplomatic discounts accorded this type cargo are applicable." The Contractor will not be reimbursed for shipments of household goods or personal effects in an amount in excess of the reduced rates available in accordance with the foregoing. (End of Clause)

15. Section 752.7014 is revised to read as follows:

§ 752.7014 Notice of changes in travel regulations.

The following clause is for use in cost-reimbursement contracts involving work overseas.

Notice of Changes in Travel Regulations (JAN 1990)

(a) Changes in travel, differential, and allowance regulations shall be effective on the beginning of the Contractor's next pay period following the effective date of the change as published in the applicable travel regulations (the Standardized Regulations (Government Civilians, Foreign Areas), the Uniform State/AID/USIA Foreign Service Travel Regulations, and the Federal Travel Regulations).

(b) The Standardized Regulations (Government Civilians Foreign Areas), and the Federal Travel Regulations are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(c) Information regarding the Uniform State/AID/USIA Foreign Service Travel Regulations as referenced in the "Travel and Transportation" clause of this contract may be obtained from the Contracting Officer.

(End of Clause)

16. A new section 752.7032 is added to read as as follows:

§ 752.7032 International travel approval and notification requirements.

For use in any AID contract requiring international travel.

International Travel Approval and Notification Requirements (JAN 1990)

Prior written approval by the Contracting Officer is required for all internrational travel directly and identifiably funded by AID under this contract. The Contractor shall therefore present to the Contracting Officer an itinerary for each planned international trip, showing the name of the traveler, purpose of the trip, origin/destination (and intervening stops), and dates of travel, as far in advanced of the proposed travel as possible, but in no event less than three weeks before travel is planned to commence. The Contracting Officer's prior written approval may be in the form of a letter or telegram or similar device or may be specifically incorporated into the schedule of the contract. At least one week prior to commencement of approved international travel, the Contractor shall notify the cognizant Mission, with a copy to the Contracting Officer, of planned travel, identifying the travellers and the dates and times of arrival.

(End of Clause)

Appendices to Chapter 7

Appendix G—Approval and Reporting Procedures for Contractor Salaries

17. Paragraph 3, *Approval Control Numbering and Submission to SER/OP,* is amended by removing "SER/" in the paragraph title and the body of the paragraph, and adding "MS/".

Appendix H—Response to Audit Recommendations

18. Appendix H is amended as follows:

a. In paragraphs 2, 5(b), 5(b)(1)(b), 5(b)(2)(a), 5(b)(2)(b), 5(b)(4)(a), 6, and 7, remove "SER/OP" and add "MS/OP";

b. In the concluding text to paragraph 5(b)(2)(c) following 5(b)(2)(c)(iii) remove "SER/OP" and add "MS/OP".

c. In paragraph 7, remove "M/AAA/SER" and add "DAA/MS".

Dated: January 24, 1990.

John F. Owens,

Procurement Executive.

[FR Doc. 90-4219 Filed 2-26-90; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1162

[Ex Parte No. 55 (Sub-No. 69)]

RIN 3120-AB57

Applications for Operating Authority: Revision of Form OP-1

AGENCY: Interstate Commerce Commission.

ACTION: Final rules: Correction.

SUMMARY: The Commission has revised significantly the general licensing application form (Form OP-1) and has adopted corresponding revisions in its regulations governing licensing procedures. The revised OP-1 form integrates the information previously required in and supersedes Form OP-1 (revised 12/83) and form OCCA-95. The Commission's final rule was published in the **Federal Register** on December 29, 1989 at 54 FR 53636. This notice corrects an error that was published in that final rule.

EFFECTIVE DATE: February 27, 1990.

FOR FURTHER INFORMATION CONTACT: Suzanne Higgins O'Malley: (202) 275-7292; (TDD for hearing impaired: (202) 275-1721.)

SUPPLEMENTARY INFORMATION:

List of Subjects in 49 CFR Part 1162

Administrative practice and procedure, Maritime carriers, Motor carriers.

PART 1162—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) PROCEDURES UNDER 49 U.S.C. 10928 [CORRECTED]

1. The authority citation for part 1162 continues to read as follows:

Authority: 49 U.S.C. 10321; 10928; 5 U.S.C. 559.

§ 1162.2 [Corrected]

2. In § 1162.2 the Note following (b)(2) is corrected by replacing the words "1 copy" with the words "two (2) copies".

Noreta R. McGee,

Secretary.

[FR Doc. 90-4417 Filed 2-26-90; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 55, No. 39
Tuesday, February 27, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary of Housing-Federal Housing Commissioner

24 CFR Parts 203 and 234

[Docket No. R-90-1457; FR-2668-P-01]

Refinacing of FHA-Insured Adjustable Rate Mortgages

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: Under current regulations, the Secretary may insure any mortgage given to refinance an existing HUD-insured mortgage, provided the refinancing mortgage meets certain requirements. One such requirement is that the refinancing mortgage result in a reduction in regular monthly payments. Very often, this requirement cannot be met when refinancing from an adjustable rate mortgage to a fixed rate mortgage. The fixed rate mortgage may have a higher interest rate than the ARM during the ARM's early years. This rule proposes to revise the regulations to permit, for occupant mortgagors, a higher monthly mortgage payment where the original mortgage is adjustable rate and the refinancing mortgage is fixed rate.

DATES: Comment due date: April 30, 1990.

FOR FURTHER INFORMATION CONTACT: Stephen A. Martin, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Room 9266, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-6672. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 223 of the National Housing Act was added by section 125 of the Housing Act of 1954, Public Law 560, 83d Congress, approved August 2, 1954. As originally enacted, the coverage of section 223 (particularly its refinancing provisions) was rather limited. Section 125 of the 1954 Act stated that section 223 was added "to transfer to title II the mortgage insurance program in connection with the sale of certain publicly owned property as contained in section 610 of title VI; the insurance of mortgages to refinance existing loans insured under section 608 of title VI and sections 903 and 908 of title IX; and to authorize the insurance under title II of mortgages assigned to the Commissioner under insurance contracts and mortgages held by the Commissioner in connection with the sale of property acquired under insurance contracts."

Over the years, the coverge of section 223 was gradually extended until finally, by section 312, Housing and Urban Development Act of 1968, Public Law 90-448, approved August 1, 1968, the refinancing provisions contained in section 223(a)(7) were made applicable to any FHA insured mortgage.

The Housing and Community Development Act of 1987, Public Law 100-242, approved February 5, 1988, further extended section 223(a)(7) by: (1) Adding an amendment to accommodate the refinancing of new FHA graduated payment mortgage instruments and; (2) making explicit that interest costs on refinancing mortgages may be those agreed upon by the mortgagee and the mortgagor.

Under the current regulations implementing section 223(a)(7) (24 CFR 203.43(c)), the Commissioner may insure any mortgage given to refinance an existing mortgage that is already HUD-insured, provided the refinancing mortgage meets certain criteria. HUD is using this section of the Code of Federal Regulations to carry out its "streamline refinance" program, which has proved very successful over the past few years. As currently written, however, the regulation contains a restrictive provision, which effectively precludes HUD from offering streamline refinancing to a mortgagor that has an insured adjustable rate mortgage (ARM) (authorized by section 443 of the Housing and Urban-Rural Recovery Act of 1983) which the mortgagor may wish to refinance to a fixed rate mortgage with a higher interest rate than the present ARM. The restriction is set out in 24 CFR 203.43(c)(3). It was originally inserted as a matter of general HUD policy but is not required by the statute. The rule now requires that the refinancing mortgage result in a reduction in regular monthly mortgage payments. Generally, this requirement cannot be met when refinancing from an ARM to a fixed rate mortgage, since the fixed rate mortgage will most likely have a higher interest rate than the ARM during its early years. In order to make possible such refinancings, this rule proposes to remove the requirement relating to reduced monthly mortgage payments for ARM's.

This rule is being published as a proposed rule with opportunity for public comment as provided for by 24 CFR 10.10. While the Department believes that this rule will provide a clear public benefit, it acknowledges that arguments can be made that the rule could result in increased monthly payments and a refinancing charge. While refinancing an ARM may provide a benefit to certain borrowers under certain circumstances, it is also true that there could be a corresponding burden to other borrowers. The decision whether or not to refinance an adjustible rate mortgage in a particular case is, as in other refinancing cases, one which ultimately only the mortgagor can make. (The rule would limit any such refinancings to occupant mortgagors.)

Accordingly, this rule would revise 24 CFR 203.43(c)(3) and 234.52(c) to provide for an exemption from the requirement that there be a reduction in monthly mortgage payments in cases where the original mortgage is an ARM and the refinancing mortgage is a fixed-rate mortgage.

Procedural Requirements

Major Rule

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of

United States-base enterprises to compete with foreign-based enterprises in domestic or export markets.

Semiannual Agenda

This proposed rule was listed in the Department's Semiannual Agenda of Regulations published on October 30, 1989 (54 FR 44702, 44721), under Executive Order 12291 and the Regulatory Flexibility Act.

This proposed rule is categorically excluded from the National Environmental Policy Act (NEPA), (42 U.S.C. 4321 et seq.), under 24 CFR part 50.20(1).

Assistance Numbers

The Catalog of Federal Domestic Assistance program numbers are 14.075, 14.108 and 14.117.

Regulatory Flexibility Act

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule would impose no mandatory requirements; it would merely afford mortgagors a great degree of choice in making personal financial determinations.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this proposed rule do not have Federalism implications and, thus, are not subject to review under the Order. The proposed rule extends and formalizes in the Code of Federal Regulations HUD's existing liberal policy towards FHA refinancings. No significant programmatic or policy changes will result from its promulgation.

Executive Order 12606, the Family

The General Counsel, as Designated Official under Executive Order 12606, *the Family* has determined that this proposed rule does not have a potential signficant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this proposed rule.

List of Subjects

24 CFR Part 203

Home improvement, Loan programs: housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Projects, Units.

Accordingly, 24 CFR parts 203 and 234 are proposed to be amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. The authority citation for part 203 would continue to read as follows:

Authority: Secs. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, subpart C is also issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

2. Paragraph (c)(3) of § 203.43 would be revised to read as follows:

§ 203.43 Eligibility of miscellaneous type mortgages.

* * * * *

(c) * * *

(3) With the exception of a fixed rate mortgage given to refinance an adjustable rate mortage held by a mortgagor who is to occupy the dwelling as a principal residence or secondary residence, as these terms are defined in § 203.18(f), the mortgage must result in a reduction in regular monthly payments by the mortgagor. In the case of a graduated payment mortgage, the reduction in regular monthly payments means a reduction from the payment due under the existing mortgage for the month in which the refinancing mortgage is executed;

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

3. The authority citation for part 234 would continue to read as follows:

Authority: Secs. 211 and 234, National Housing Act, 12 U.S.C. 1715b, 1715y, sec. 234.520(a)(2)(ii) is also issued under sec. 201(a) of the National Housing Act, 12 U.S.C. 1707(a).

4. Paragraph (c) of § 234.52 would be revised to read as follows:

§ 234.52 Refinancing of existing mortgages.

* * * * *

(c) With the exception of a fixed rate mortgage given to refinance an adjustable rate mortgage held by a mortgagor who is to occupy the dwelling as a principal residence or secondary residence, as those terms are defined in § 234.27(e), the mortgage must result in a reduction in regular monthly payments by the mortgagor. In the case of a graduated payment mortgage, the reduction in regular monthly payments means a reduction from the payment due under the existing mortgage for the month in which the refinancing mortgage is executed;

* * * * *

Dated: February 15, 1990.

Peter Monroe,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 90-4342 Filed 2-26-90; 8:45 am]

BILLING CODE 4210-27-M

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 90-01]

Security for the Protection of the Public, Maximum Required Performance Amount

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: The proposed rule in this proceeding, published January 19, 1990 (55 FR 1850), would amend the Commission's passenger vessel certification rules by eliminating the current 10 million dollar ceiling for insurance, escrow, guaranty, or surety bond required of passenger vessel operators as evidence of financial responsibility for indemnification of passengers for nonperformance of transportation. Comments on the Notice of Proposed Rulemaking are now due on March 5, 1990. The International Committee of Passenger Lines ("ICPL") and American Hawaii Cruises ("AHC") have requested that time for filing comments be extended 30 days. ICPL says the additional time is needed because of the need for direct consultation with the owners of passenger vessels and their P & I club representatives, most of whom are located abroad. AHC seeks additional time to collect and analyze historical data relating to its experience under the existing rule. The requests for additional time appear adequately supported and, therefore, will be granted. Accordingly, this notice extends the time for filing comments to the Notice of Proposed Rulemaking to April 4, 1990.

DATES: Comments due April 4, 1990.

ADDRESSES: Comments (Original and fifteen (15) copies) to:

Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5725

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573–0001, (202) 523–5796

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4331 Filed 2–26–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–134 et al.]

Radio Broadcasting Services; Various Locations in the United States

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposals.

SUMMARY: This document dismisses 46 out of 149 proposals issued on the Commission's own motion to amend the FM Table of Allotments. The Commission had proposed to reclassify to Class C3 a number of Class A allotments and to modify the authorizations accordingly. See 54 FR 28077, July 5, 1989. This action is taken because the licensees and permittees for proposed allotments in the 46 communities listed in Appendix A to the Order did not file comments stating an intention to apply for the construct a Class C3 facility, if allotted. With this action, these proceedings are terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Ordee Pearson, Allocations Branch, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket Nos. 89–134, 139, 141, 143–146, 147, 149, 152, 154, 158, 162, 167, 169, 173, 177, 183, 187, 194, 196, 211 212, 216, 221, 224, 225, 227, 229, 230, 236, 238, 244, 245, 248, 249, 252, 254, 256, 259, 261, 268, 274, 275, 279 adopted January 30, 1990, and released February 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037

Federal Communication Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4431 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–44; RM–7123]

Radio Broadcasting Services; East Los Angeles and Long Beach, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Spanish Broadcasting System of Florida, Inc., licensee of Station KSKQ–FM, Channel 250B, Long Beach, California, seeking to change the community of license for Channel 250B from Long Beach to East Los Angeles, California, and to modify its license accordingly. Coordinates for this proposal are 34–02–45 and 118–21–20.

DATES: Comments must be filed on or before April 16, 1990, and reply comments on or before May 5, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James M. Weitzman, Esq., Kaye, Scholer, Fierman, Hays & Handler, 901—15th St., NW., Suite 1100, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–44, adopted January 29, 1990, and released February 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communication Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4432 Filed 2–26–90; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 55, No. 39
Tuesday, February 27, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket 90-019]

Availability of Environmental Assessment and Finding of No Significant Impact Relative To Issuance of a Permit to Field Test Genetically Engineered Tomato Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Monsanto Agricultural Company, to allow the field testing in Naple, Florida, of tomato plants genetically engineered to express the delta-endotoxin gene from *Bacillus thuringiensis*. The assessment provides a basis for the conclusion that the field testing of these genetically engineered tomato plants will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ellen Liberman, Biotechnologist, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessment and findings of no significant impact, write Ms. Linda Gordon at this same address. The environmental assessment should be requested under permit number 89-278-02.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Monsanto Agricultural Company, of St. Louis, Missouri, has submitted an application for a permit for release into the environment, to field test tomato plants genetically engineered to express the delta-endotoxin gene from *Bacillus thuringiensis*. The field trial will take place in Naples, Florida.

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the tomato plants under the conditions described in the Monsanto Agricultural Company application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by Monsanto Agricultural Company, as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. An insecticidal gene from *Bacillus thuringiensis* var. *kurstaki* has been modified and inserted into the tomato chromosome in a way that would allow the biosynthesis of delta-endotoxin. In nature, genetic material contained in the chromosomes of tomato plants can only be transferred to another sexually compatible plant by cross-pollination and fertilization. In this field trial, the introduced genes cannot spread to other plants because the test plot is located at a sufficient distance from any sexually compatible plants with which these experimental tomato plants could cross-pollinate.

2. Neither the delta-endotoxin gene nor its polypeptide product confers on tomato any plant pest characteristics. *Bacillus thuringiensis* var. *kurstaki* from which the delta-endotoxin gene was obtained is not a plant pest.

3. The delta-endotoxin gene does not confer on the transformed tomato plants any measurable selective advantage over nontransformed tomato plants in the ability to be dispersed or to become established in the environment.

4. The vector used to transfer the delta-endotoxin gene to tomato plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk in this field test. The vector, although derived from the DNA of a tumor inducing (Ti) plasmid with known plant pathogenic potential, has been disarmed; that is, genes that are necessary for pathogenicity have been removed from the vector. The vector has been tested and shown to be nonpathogenic to susceptible plants.

5. The vector agent, *Agrobacterium tumefaciens*, used to deliver the chimeric vector DNA containing the delta-endotoxin gene to the tomato plant cells was eliminated by the use of the appropriate antibiotics and therefore is not associated with the transformed tomato plants being tested.

6. The delta-endotoxin gene is stably integrated into the plant genome. Excision and horizontal movement of the delta-endotoxin gene has not been demonstrated. The vector does not survive in or on the transformed plant

after delivering and inserting the delineated piece of DNA into the tomato genome. Pollination is the only known mechanism to move an inserted gene from a chromosome of a transformed plant to any other organism.

7. The purpose of the field trial is to test the ability of the transgenic tomato plants expressing the delta-endotoxin to resist natural tomato pinworm and armyworm infestations. The experiment is designed to compare the level of genetically engineered resistance with that obtained using a chemical pesticide regimen. The field test site is less than 0.75 of an acre and includes a maximum of 1,250 transgenic plants and 800 nontransgenic control plants.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 22nd day of February 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–4400 Filed 2–26–90; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 90–016]

Availability of Environmental Assessment and Finding of No Significant Impact Relative To Issuance of a Permit to Field Test Genetically Engineered Tomato Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Monsanto Agricultural Company, to allow the field testing in Immokalee, Florida, of tomato plants genetically engineered to express the delta-endotoxin gene from *Bacillus thuringiensis*. The assessment provides a basis for the conclusion that the field testing of these genetically engineering tomato plants will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ellen Liberman, Biotechnologist, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612. For copies of the environmental assessment and finding of no significant impact, write Ms. Linda Gordon at this same address. The environmental assessment should be requested under permit number 89–278–01.

SUPPLEMENTARY INFORMATION:

The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regualted articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Monsanto Agricultural Company, of St. Louis, Missouri, has submitted an application for a permit for release into the environment, to field test tomato plants genetically engineered to express the delta-endotoxin gene from *Bacillus thuringiensis*. The field trial will take place in Immokalee, Florida.

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the tomato plants under the conditions described in the Monsanto Agricultural Company application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by Monsanto Agricultural Company, as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. An insecticidal gene from *Bacillus thuringiensis* var. *kurstaki* has been modified and inserted into the tomato chromosme in a way that would allow the biosynthesis of delta-endotoxin. In nature, genetic material contained in the chromosomes of tomato plants can only be transferred to another sexually compatible plant by cross-pollination and fertilization. In this field trial, the introduced genes cannot spread to other plants because the test plot is located at a sufficient distance from any sexually compatible plants with which these experimental tomato plants could cross-pollinate.

2. Neither the delta-endotoxin gene nor its polypeptide product confers on tomato any plant pest characteristics. *Bacillus thuringiensis* var. *kurstaki* from which the delta-endotoxin gene was obtained is not a plant pest.

3. The delta-endotoxin gene does not confer on the transformed tomato plants any measurable selective advantage over nontransformed tomato plants in the ability to be dispersed or to become established in the environment.

4. The vector used to transfer the delta-endotoxin gene to tomato plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk in this field test. The vector, although derived from the DNA of a tumor inducing (Ti) plasmid with known plant pathogenic potential, has been disarmed; that is, genes that are necessary for pathogenicity have been removed from the vector. The vector has been tested and shown to be nonpathogenic to susceptible plants.

5. The vector agent, *Agrobacterium tumefaciens*, used to deliver the chimeric vector DNA containing the delta-endotoxin gene to the tomato plant cells was eliminated by the use of the appropriate antibiotics and therefore is

not associated with the transformed tomato plants being tested.

6. The delta-endotoxin gene is stably integrated into the plant genome. Excision and horizontal movement of the delta-endotoxin gene has not been demonstrated. The vector does not survive in or on the transformed plant after delivering and inserting the delineated piece of DNA into the tomato genome. Pollination is the only known mechanism to move an inserted gene from a chromosome of a transformed plant to any other organism.

7. The purpose of the fiend trial is to test the ability of the transgenic tomato plants expressing the delta-endotoxin to resist natural tomato pinworm infestation. The experiment is designed to integrate genetically engineered resistance with a pest management program for the control of white fly. The field test site is less than 1 acre and includes a maximum of 1,000 transgenic plants and 1,000 nontransgenic control plants.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidlines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 22nd day of February 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–4401 Filed 1–26–90; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

Moose Creek Timber Harvest, Lewis and Clark National Forest, Meagher County, MT

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of proposed actions to:

(1) Manage timber stand age classes and reduce insect and disease damage by harvesting timber in portions of the Moose Creek drainage and its tributaries in T12N, R6E; T12N, R7E; T13N; R6E; and T13N, R7E, Principal Meridian Montana, on the Kings Hill Ranger District, Lewis and Clark National Forest.

(2) Construct and reconstruct roads as necessary to allow timber harvest in the selected areas.

The scoping process begun in May 1988 has resulted in the issuance of an environmental assessment by the Lewis and Clark National Forest. The following issues have been identified in the environmental assessment in relation to the proposed actions:

1. *Protection*—In moderate to high risk lodgepole pine stands, reduce the risk of catastrophic resource damage from mountain pine beetle attack or by other insect and disease agents, as measured by acres of timber lands converted to younger, more vigorous age classes.

2. *Wildlife*—Meet wildlife management goals commensurate with Management Area B direction by:

a. Maintaining 30% effective cover within timber compartments 711 and 712 in Management Area B (Forest-Wide Management Standard C–1, No. 5, p. 2–30).

b. Disclosing elk habitat effectiveness coefficients (effective cover coefficient X road density coefficient) which display the difference (by percent) between alternatives.

c. Displaying the type of opportunity to hunt elk, as measured by percent of change in roaded and unroaded environments.

3. *Economics*—Ensure cost effective timber resource outputs, as measured by percent net value (PNV) and benefit/cost ratio (B-C). The PNV will display each alternative as either "positive"or "below" cost.

4. *Fisheries*—Consider the effects on the fisheries resource, as measured by the predicted reduction in spawning and rearing habitat capability.

5. *Timber supply*—Provide timbe as directed in the Forest Plan goals and objectives for Management Area B, as measures by the estimated volume of timber harvested.

The Forest Service is seeking additional information and comments from federal, state, and local agencies and individuals or organizations who may be interested in or affected by the proposed actions. The agency invites written comments and suggestions on the management opportunities in the area being analyzed. This information will be used in preparing the draft environmental impact statement (DEIS). This process includes identification and analysis of:

1. Alternatives to the proposed action.

2. Potential environmental effects of the alternatives.

DATES: Comments on this proposal should be received on or before March 14, 1990 to receive timely consideration in the preparation of the DEIS.

ADDRESS: Send written comments to Victor Standa, District Ranger, Kings Hill Ranger District, 204 West Folsom, PO Box A, White Sulphur Springs, MT 59645.

FOR FURTHER INFORMATION CONTACT: Craig Cowie, Moose Creek Interdisciplinary Team Leader, Kings Hill Ranger District, (406) 547–3361.

SUPPLEMENTARY INFORMATION: This EIS will tier to the Lewis and Clark National Forest Land and Resource Management Plan and EIS of June, 1986, which provides goals and objectives. Forest-wide management standards and management area prescriptions are identified in the Plan to provide overall guidance and management practices in achieving these goals and objectives. The primary purpose and need for the proposed action is to begin harvesting of timber that is mature and overmature and/or in a state of high risk from insect and/or disease, and to help supply commercial demands for timber on a long term sustained yield basis. These stands of timber are proposed for harvest at this time because of the poor condition and mortality occurring in them. Timber sales were projected for the Moose Creek project area in the Forest Plan.

A maximum of 3,000 acres will be considered for harvest within this 10-year period. The proposed projects are within the Black Butte Creek Geographic Unit (LB–6) as defined by the Forest Plan. The analysis will consider timber stands within an area that is bounded on the north by the Cascade-Meather county line and Quartzite Ridge, on the east by Divide Road Number 839, Moose Mountain and the ridge between Moose Creek and Jumping, Adams, Daniels, and Kinney Creeks, on the south by Little Moose Creek, Moose Creek Campground and Sheep Creek Road Number 119, and on the west by Quartzite Ridge, Allan Park, and the ridge between Moose Creek and Indian Creek.

The areas of proposed harvest for the Moose Creek project are within Management Areas B of the Lewis and Clark Forest Plan (p. 4–61). Management Area B emphasize timber management and provides for moderate levels of livestock production while minimizing impacts to other resources.

The analysis will consider a range of alternatives. One of these will be the "no-action" alternative, in which all harvest and regeneration activities are

deferred. Other alternatives will examine various levels and locations of treatment and regeneration to emphasize differing mixes of timber and non-timber resource values.

The analysis will disclose the environmental effects of alternative ways of implementing management direction outlined in the Forest Plan and in addressing the identified issues. The Forest Service will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives. In addition, the EIS will disclose site specific mitigation measures and discuss their effectiveness.

The public is invited to visit with Forest Service officials at any time during the EIS preparation prior to the issuance of the Record of Decision. However, two periods of time are identified for the receipt of formal comments on the analysis: 15 days following publication date for this notice and during the formal review period of the draft DEIS.

The DEIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review by May 1, 1990. At that the EPA will publish a notice of availability of the DEIS in the **Federal Register**. The comment period on the DEIS will be for 45 days from that date of publication.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power, Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338, (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by August 1, 1990. The Forest Service will respond in the FEIS to the comments received on the DEIS. John D. Gorman, Forest Supervisor for the Lewis and Clark National Forest, the responsible official for this EIS, will make a decision regarding this proposal after considering the comments, responses and environmental consequences discussed in the FEIS as well as applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: February 16, 1990.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 90-4351 Filed 2-26-90; 8:45 am]

BILLING CODE 3410-11-M

South Fork Complex Timber Harvest, Lewis and Clark National Forest, Judith Basin County, MT

ACTION: Notice of Intent to Prepare and Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of proposed actions to:

(1) Manage timber stand age classes and reduce insect and disease damage by harvesting timber in portions of the South Fork of the Judith River drainage on the Judith Ranger District, Lewis and Clerk National Forest.

(2) Construct and reconstruct roads as necessary to allow timber harvest in the selected areas.

The scoping process begun May 1986 has resulted in the issuance of an environmental assessment by the Lewis and Clerk National Forest. The following issues have been identified in the environmental assessment in relation to the proposed actions:

1. *Timber*—Provide timber outputs as set forth in the Forest Plan goals and objectives for Management Areas B and C, as measured by suitable forest lands put under regulated management.

2. *Protection*—In high risk lodgepole pine stands, minimize the risk of catastrophic resource damage from mountain pine beetle attack or by other insect and disease agents by creating greater size and age class diversity, as measured by acres of mature, decadent timber stands converted to younger, more vigorous age classes.

3. *Wildlife*—Meet wildlife management goals commensurate with Management Areas B and C direction by:

a. Minimizing change in critical habitat components (summer/fall concentration areas and travel corridors), as measured by the precent of total acres of critical habitat that would be impacted.

b. Maintaining effective hiding cover at a 30% of land area level within timber compartments in Management Area B and at a 40% of land area level within timber compartments in Management Area C.

c. Managing elk habitat effectiveness per management area prescriptions, as measured by calculated habitat effectiveness percentage. Elk displacement as affected by timber harvest and other activities will be addressed under this issue.

d. Minimizing change in recreational hunter opportunity, as measured by the percent change from the current situation and first week bull elk harvest percent by alternative.

4. *Cost Effectiveness*—Ensure cost effective timber resource outputs, as measured by present net value (PNV) and benefit/cost ratio (B/C).

5. *Water Quality*—Minimize sediment production over currently occurring levels, as measured by sediment produced over current levels.

6. *Fisheries*—Minimize effects of fisheries resource, as measured by the predicted reduction in sensitive fish species numbers (Westslope cutthroat trout).

The Forest Service is seeking additional information and comments from federal, state, and local agencies and individuals or organizations who may be interested in or affected by the proposed actions. The agency invites written comments and suggestions on the management opportunities in the area being analyzed. This information will be used in preparing the draft environmental impact statement (DEIS).

This process includes identification and analysis of:

1. Alternatives to the proposed action.
2. Potential environmental effects of the alternatives.

DATES: Comments concerning this proposal should be received on or before March 4, 1990 to receive timely consideration in the preparation of the DEIS.

ADDRESSES: Send written comments to Jerome Dombrovske, District Ranger, Judith Ranger District, 109 Central Avenue, PO Box 484, Stanford, MT 59479.

FOR FURTHER INFORMATION CONTACT: Dick Schwecke, South Fork Complex Interdisciplinary Team Leader, Judith Ranger District, (406) 566–2292.

SUPPLEMENTARY INFORMATION: This EIS will tier to the Lewis and Clark National Forest Land and Resouces Management Plan and EIS of June, 1986, which provides goals and objectives. Forest-wide management standards and management area prescriptions are identified in the Plan to provide overall guidance and management practices in achieving these goals and objectives. The primary purpose and need for the purpose action is to begin harvesting of timber that is mature and overmature and/or in a state of high risk from insect and/or disease, and to help supply commercial demands for timber on a long term sustained yield basis. These stands of timber are proposed for harvest at this time because of the poor condition and mortality occurring in them. Timber sales were projected in the Forest Plan in the South Fork of the Judith River drainage.

Approximately 2,500 acres will be considered for harvest. The proposed projects are within the South Fork Judith Geographic Unit (LB–10) as defined by the Forest Plan. The analysis will consider timber stands within an area that includes all lands between the South Fork Judith River south to the District boundary from the Russell Point/Mount High ridge on the east to Hoover Mountain and Burnt Ridge on the west.

The areas of proposed harvest for the South Fork Complex project are within Management Areas B and C of the Lewis and Clark Forest Plan (p. 4–73). Management Area B emphasizes timber management and provides for moderate levels of livestock production while minimizing impacts to other resources. Management Area C emphasizes maintenance or enhancement of existing elk habitat by maximizing habitat effectiveness. Emphasis is also directed toward management for habitat divesity to support a variety of native wildlife species. Commodity resource management is practiced in Management Area C where it is compatible with wildlife habitat management objectives. The analysis will consider a range of alternatives. One of these will be the "no-action" alternative, in which all harvest and regeneration activities are deferred. Other alternatives will examine various levels and locations of treatment and regeneration to emphasize differing mixes of timber and non-timber resource values.

The analysis will disclose the environmental effects of alternative ways of implementing management direction outlined in the Forest Plan and in addressing the identified issues. The Forest Service will analyze and document the direct, indirect, and cumulative evnironmental effects of the alternatives. In addition, the EIS will disclose site specific mitigation measures and discuss their effectiveness.

The public is invited to visit with Forest Service officials at any time during the EIS preparation prior to the issuance of the Record of Decision. However, two periods of time are identified for the receipt of formal comments on the analysis: 15 days following publication date for this notice and during the formal review period of the DEIS.

The DEIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review by April 1, 1990. At that time the EPA will publish a notice of avilability of the DEIS in the **Federal Register.** The comment period on the DEIS will be for 45 days from that date of publication.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338, (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in perparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by July 1, 1990. The Forest Service will respond in the FEIS to the comments received on the DEIS. John D. Gorman, Forest Supervisor for the Lewis and Clark National Forest, the responsible official for this EIS, will make a decision regarding this proposal after considering the comments, responses and environmental consequences discussed in the FEIS as well as applicable laws, regulations, and policies. The decision and reasons for the decisions will be documented in a Record of Decision.

Dated: February 16, 1990.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 90–4352 Filed 2–26–90; 8:45 am]

BILLING CODE 3410–11–M

Mill-Lion Timber Harvest; Lewis and Clark National Forest, Meagher County, MT

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of proposed action to:

(1) Harvest a portion of the suitable timber acres located in the Mill, Trail, Whitetail, and Lion Creek drainages to contribute to the sustained yield of timber products from the project area.

The project area's general location is in T1ON, R1OE; T1ON, R9E; and T11N, R9E, Principal Meridian Montana, Meagher County, Montana on the Musselshell Ranger District, Lewis and Clark National Forest.

(2) Construct and reconstruct roads as necessary to allow timber harvest in the selected areas.

The scoping process and analysis, which began in May 1986, has resulted in the issuance of an environmental assessment. The following issues have been identified in the environmental assessment in relation to the proposed actions:

1. *Timber management*—What are the opportunities to intensively manage existing timber stands and implement silvicultural practices on mature and over-mature Douglas-fir, Engelmann spruce, ponderosa pine, and lodgepole pine stands that optimize wood fiber production?

2. *Timber sale economics:*

a. Are the timber harvest alternatives "below cost"?

b. How do the alternatives compare in terms of market and non-market outputs and effects?

3. *Elk habitat*—How will timber harvest and associated activities impact elk and elk habitat in terms of effective hiding cover, open road density, and elk displacement?

4. *Recreation setting*—How will timber harvest and associated activities impact the recreation setting for elk hunters including Trail Creek Outfitters during the elk hunting season?

The Forest Service is seeking additional information and comments from Federal, State, and local agencies and individuals or organizations who may be interested in or affected by the proposed actions. The agency invites written comments and suggestions on the proposed project and any related issues. This information will be used in preparing the draft environmental impact statement (DEIS). This process includes identification and analysis of:

1. Alternatives to the proposed action.

2. Potential environmental effects of the alternatives.

DATES: Comments concerning this information should be received on or before March 14, 1990, to receive timely consideration in the preparation of the DEIS.

ADDRESSES: Send written comments to Bill Fortune, District Ranger, Musselshell Ranger District, 809 2 NW, PO Box F, Harlowton, MT 59036.

FOR FURTHER INFORMATION CONTACT: David Wanderaas, Mill-Lion Interdisciplinary Team Leader, Musselshell Ranger District, (406) 632-4391.

SUPPLEMENTARY INFORMATION: This EIS will tier to the Lewis and Clark National Forest Land and Resource Management Plan and EIS of June, 1986, which provides goals and objectives. Forest-wide management standards and management area prescriptions are identified in the Plan to provide overall guidance and management practices in achieving these goals and objectives. The primary purpose and need for the proposed action is to begin harvesting of timber that is mature and overmature and/or in a state of high risk from insect and/or disease, and to help supply commercial demands for timber on a long term sustained yield basis. These stands of timber are proposed for harvest at this time because of the poor condition and mortality occurring in them. Timber sales were projected in the Forest Plan in the Mill, Trail, Whitetail, and Lion Creek areas.

A maximum of 750 acres will be considered for harvest. The proposed projects are within the Spring Creek-Whitetail Geographic Unit (LB-11) as defined by the Forest Plan. The analysis will consider timber stands within an area that is bounded on the north and west by Lion Creek and the East Fork of Lion Creek, on the east by a fork of Whitetail Creek, and the Spring Creek Road Number 274, and on the south by the Mill Creek Road Number 2019.

The areas of proposed harvest for the Mill-Lion project are within Management Area B of the Lewis and Clark Forest Plan (p. 4-75). Management Area B emphasizes timber management and provides for moderate levels of livestock production while minimizing impacts to other resources.

The analysis will consider a range of alternatives. One of these will be the "no-action" alternative, in which all harvest and regeneration activities are deferred. Other alternatives will examine various levels and locations of treatment and regeneration to emphasize differing mixes of timber and non-timber resource values.

The analysis will disclose the environmental effects of alternative ways of implementing management direction outlined in the Forest Plan and in addressing the identified issues. The Forest Service will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives. In addition, the EIS will disclose site specific mitigation measures and discuss the effectiveness of each proposed mitigation measure.

The public is invited to visit with Forest Service officials at any time during the EIS preparation prior to the issuance of the Record of Decision. However, two periods of time are identified for the receipt of formal comments on the analysis. The two public comment periods are the 15 days following publication of this notice and during the formal review period of the DEIS.

The DEIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review by April 15, 1990. At that time the EPA will publish a notice of availability of the DEIS in the **Federal Register**. The comment period on the DEIS will be for 45 days from that date of publication.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequecy fo the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

After a 45-day public comment period, the comments received will be analyzed

and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by July 15, 1990. The Forest Service will respond in the FEIS to the comments received on the DEIS. John D. Gorman, Forest Supervisor for the Lewis and Clark National Forest, the responsible official for this EIS, will make a decision regarding this proposal after considering the comments, responses and environmental consequences discussed in the FEIS as well as applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: February 16, 1990.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 90-4353 Filed 2-26-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Fishery Planning Committee will hold a public meeting on March 16, 1990, at 8:30 a.m., at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 Sand Point Way, N.E., Building 4, Room 2079, Seattle, WA. The Committee's agenda will include review of the Technical Team's progress on inshore/offshore analysis, guidance to the Technical Team as necessary, and development of a general groundfish fishery moratorium proposal for full consideration in April 1990 by the North Pacific Council.

For more information contact Steve Davis, Deputy Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271-2809.

Dated: February 16, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-4348 Filed 2-26-90; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit; Marine Mammals; West Coast Whale Research Foundation (P349A)

On October 19, 1989, notice was published in the **Federal Register** (54 FR 42974) that an application had been filed by Elizabeth A. Mathews and Daniel J. McSweeney, West Coast Whale Research Foundation, c/o Applied Sciences 273, UCSC, Santa Cruz, California 95060, to take by harassment humpback whales (*Megaptera novaeangliae*) for scientific purposes.

Notice is hereby given that on February 16, 1990, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that the Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) is consistent with the purposes and policies set forth in Section 2 of the Act. This Permit was also issued in accordance with and is subject to Parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Hwy., Silver Spring, Maryland 20910;

Pacific Area Office, Southwest Region, National Marine Fisheries Service, 2527 Dole Street, Honolulu, Hawaii 96822-2396; and

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Str., Juneau, Alaska 99802.

Dated: February 11, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 90-4349 Filed 2-26-90; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION ADVISORY

Disclosure Statement Relating to Deferred Payment of Option Premiums for Options Traded on Certain Foreign Exchanges

In 1989 the Commodity Futures Trading Commission ("Commission") approved, pursuant to rule 30.3(a), 17 CFR 30.3(a) (1989), the offer or sale in the United States of option contracts traded on the London International Financial Futures Exchange ("LIFFE"),[1] the International Petroleum Exchange of London ("IPE"),[2] and the London Futures and Options Exchange ("London Fox").[3] Such option contracts, unlike contracts traded on designated contract markets in the United States (as set forth in the options risk disclosure statement in Commission rule 33.7, 17 CFR 33.7 (1989)), are designed with provisions for deferred payment of the option premium. Thus the option premium may be paid upon exercise or expiry of the option contract rather than at the time the option is purchased.[4] In order to maintain adequate cover against the risk of loss, a system of margining similar in principle and practice to that used for futures contracts supports the option contracts. The maximum potential loss under this system, as under the present United States system, is the price of the option (*i.e.* premium).

In order to ensure that United States customers solicited to trade LIFFE, IPE, or London Fox option contracts understand that those exchanges provide for futures-style margining of their option products, the Commission ordered firms which elect not to collect the full option premium at the time of purchase to provide customers resident in the United States with an addendum to the risk disclosure statement required by rule 33.7. The addendum describes the special features of the LIFFE, IPE, and London Fox futures-style margining system.[5] But for the fact that the name

[1] 54 FR 37636 (September 12, 1989).

[2] 54 FR 50356 (December 6, 1989).

[3] 54 FR 50348 (December 6, 1989).

[4] This deferred payment system differs from that which currently exists in the United States. Commission rule 33.4(a)(2), 17 CFR 33.4(a)(2) (1989), requires payment of the full amount of the option premium at the time the option is purchased. The Chicago Board of Trade and the Chicago Mercantile Exchange, however, have petitioned the Commission for repeal of rule 33.4(a)(2) (by letters dated July 11 and 27, 1989, respectively). On March 14, 1989, the Commission published a Notice of Petition for Rulemaking and a Request for Comments to delete Commission Regulation 33.4(a)(2) in order to permit the development of "futures-style margining" of commodity options. 54 FR 11233 (March 17, 1989).

[5] Specifically, the addendum which is attached as Exhibit B to the Commission's Orders permitting LIFFE, IPE, and London Fox option products to be offered and sold in the United States, provides as follows:

Addendum to CFTC Options Disclosure Statement (CFTC Rule 33.7)

The CFTC "Options Disclosure Statement," a copy of which is attached, is modified as set forth

Continued

of the exchange is changed where appropriate, the addendum is identical in each of the Commission Orders. Nevertheless, pursuant to the terms of the Commission's Orders, a separate addendum must be provided for option products traded on each of the three exchanges.[6]

The Commission, upon request of counsel to the three exchanges referenced above, has considered the need for three separate risk disclosure statements which, but for the name of the exchange, are identical. The Commission has determined that the following addendum, which would eliminate the need for three separate forms, may be used in lieu of the addenda attached as Exhibit B to the Commission's Orders granting the rule 30.3(a) petitions of LIFFE, IPE, and London Fox:

Additional CFTC Disclosure Statement Relating to Deferred Payment of Option Premiums

Certain options contracts traded on boards of trade (exchanges) located outside the United States which are authorized by the CFTC for sale in the United States make provision for deferred payment of the option premium, are subject to initial and variation margin requirements and are marked-to-market. Consequently, the futures commission merchant ("FCM") or a firm granted an exemption from the FCM registration requirement might not require the purchaser of such an option to put up the full premium at purchase.

Although there is provision for deferred paymnent of premium, the purchaser of an option is still subject to the risk of losing the entire purchase price of the option, that is, the option premium plus all transaction costs. Consequently, before purchasing an option, an individual should fully understand the applicable margin requirements, and particularly should not be aware of the obligation to pay variation margin not exceeding the amount of the premium in the case of adverse market movement. Although the purchaser may receive some accruing profit during the life of the option, he should be aware that in order to realize and retain any value from the option, it will be necessary either to offset the option position or for the option to be exercised, which may be achieved automatically if the terms of the option contract so provide. In the event of offset or exercise of the option position the full purchase price will be collected if it has not yet been paid.

Except as provided herein this Advisory shall not change the terms and conditions of the Commission's Orders granting the rule 30.3(a) petitions of LIFFE, IPE, and London Fox. This Advisory shall take effect upon issuance.

Issued in Washington, DC, on February 21, 1990.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 90-4386 Filed 2-26-90; 8:45 am]

BILLING CODE 6351-01-M

below to reflect some particular features of [ ] options:

(i) [ ] is a board of trade (exchange) located *outside* the United States on which certain options are authorized by the CFTC for sale in the United States;

(ii) [ ] option contracts have provision for deferred payment of the option premium, are marked-to-market and are subject to initial margin requirements. Consequently, the futures commission merchant ("FCM") or a firm granted an exemption from the FCM registration requirement might not require the purchaser of an [ ] option to put up the full premium at purchase.

Although there is provision for deferred payment of premium, the purchaser of an option is still subject to the risk of losing the entire purchase price of the option, that is, the option premium plus all transaction costs. Consequently, before *purchasing* an option, an individual should fully understand the applicable margin requirements, and particularly should be aware of the obligation to pay variation margin in the case of adverse market movement. Although the purchaser may receive some accruing profit during the life of the option, he should be aware that in order to realize and retain any value from the option it will be necessary either to offset the option position or to exercise the option.

[6] *See*, 54 FR 37636, 37638 (September 12, 1989) (Commission Order granting LIFFE's 30.3(a) petition); 54 FR 50356, 50357 (December 6, 1989) (Commission Order granting IPE's 30.3(a) petition); 54 FR 50348, 50350 (December 6, 1989) (Commission Order granting London Fox's 30.3(a) petition).

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This request is for an extension to a currently approved collection and does not change the collection requirement approved by OMB on October 25, 1989.

Title, Applicable Form, and Applicable OMB Control Number: DoD FAR supplement, part 27, patents, data and copyrights; no form; and OMB control number 0704-0240.

Type of Request: Extension to an existing collection.

Average Burden Hours/Minutes Per Response: 79 hours and 28 minutes.

Frequency of Response: Monthly.

Number of Respondents: 16,560.

Annual Burden Hours: 2,307,240.

Annual Responses: 16,560.

Needs and Uses: This request concerns information collection and recordkeeping requirements related to technical data, software copyrights, and contracts.

Affected Public: Businesses or other for-profit.

Respondents Obligation: Mandatory.

OMB Desk Officer: Ms. Evyette R. Flynn.

Written comments and recommendations on the proposed information collection should be sent to Ms. Evyette R. Flynn at the Office of Management and Budget, Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: February 21, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-4370 Filed 2-26-90; 8:45 am]

BILLING CODE 3810-01-M

The Joint Staff; Joint Strategic Target Planning Staff (JSTPS), Scientific Advisory Group; Closed Meeting

AGENCY: Joint Strategic Target Planning Staff, DOD.

ACTION: Notice of closed meeting.

SUMMARY: The Director of Strategic Target Planning has scheduled a closed meeting of the Scientific Advisory Group.

DATES: The meeting will be held on 17 and 18 April 1990.

ADDRESS: The meeting will be held at Offutt AFB, Nebraska.

FOR FURTHER INFORMATION CONTACT: The Joint Strategic Target Planning Staff, Scientific Advisory Group, Offutt AFB, Nebraska 68113.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss strategic issues which relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense.

Accordingly, the meeting will be closed in accordance with 5 U.S.C. 552b(c)(1).

Dated: February 21, 1990.

Linda M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-4371 Filed 2-26-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 20, 1990.

The USAF Scientific Advisory Board Ad Hoc Committee on Space Power Technology will meet on 15-16 March 1990 from 8 a.m. to 5 p.m. at the Air Force Space Technology Center, Kirtland AFB, NM.

The purpose of this meeting will be to review Air Force, DOE, SDIO, DARPA, NASA and related industry IR&D space power technology development efforts and to recommend the direction(s) of Air Force investment in this technology area. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 90-4385 Filed 2-26-90; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Continued Forward Area Air Defense (FAADS) Testing at White Sands Missile Range, NM

AGENCY: U.S. Army, DOD, White Sands Missile Range, New Mexico.

SUMMARY: ADEIS will be prepared to support continued testing of FAADS in the northeast corner of White Sands Missile Range, New Mexico. FAADS is being conducted to determine the effectiveness of certain anti-aircraft systems which allow soldiers the capability to detect and engage targets.

Alternatives: The alternatives to be evaluated in the DEIS will include: (1) No action (cease testing), and (2) conduct testing elsewhere.

Scoping Process: Scoping meetings will be held in Socorro and Las Cruces, New Mexico. These meetings will be held approximately 2-3 weeks after publication of this notice; specific meeting times and places will be published in the local newspapers.

Potentially Significant Issues Identified: Cumulative effects on the natural environment from long term testing of FAADS in the northeast corner of White Sands Missile Range. Issues of concern involve known and unknown cultural resources, protected and endangered species, fire control, soil and air pollution, area and habitat degradation. Other issues may be identified during the scoping process.

The DEIS is expected to be available to the public in July 1990.

ADDRESS: For additional information contact, Commander, U.S. Army White Sands Missile Range, ATTN: STEWS-TE-M (Mr. Paul K. Arthur), White Sands Missile Range, NM, (505) 678-2904.

Dated: **February 21, 1990.**

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health), OASA (IL&E).

[FR Doc. 90-4332 Filed 2-26-90; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Coastal Engineering Research Board, Open Meeting

Name of Committee: Coastal Engineering Research Board.

Date of Meeting: March 20-23, 1990.

Place: Coastal Engineering Research Center, U.S. Army Engineer. Waterways Experiment Station, Vicksburg, Mississippi

Time: 8:30 a.m. to 5 p.m. on March 20; 8:30 a.m. to 5 p.m. on March 21; 8:30 a.m. to 5 p.m. on March 22; 8:30 a.m. to 12 p.m. on March 23.

Proposed Agenda: The 1991 Coastal Engineering Program Review is to be held March 20-23, 1990. On Tuesday, Wednesday, and Thursday morning, March 20, 21, and 22, the Coastal Research and Development Programs will be discussed. Coastal Flooding and Storm Protection, and Harbor Entrance and Coastal Channels will be reviewed on Tuesday, March 20; Shore Protection and Restoration, And General Structures Evaluation and Design will be discussed on Wednesday, March 21; and the Coastal Geology and Geotechnology Program will be reviewed Thursday morning, March 22.

On Thursday afternoon the Coastal Field Data Collection Program will be reviewed, including review of current and proposed activities.

The session on Friday, March 23, reviews the Monitoring Completed Coastal Projects Program. There will be discussion of completed, current, and proposed activities.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Inquiries and notice of intent to attend the meeting may be addressed to Dr. James R. Houston, Chief, Coastal Engineering Research Center, U.S. Army Engineer Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi, 39280-6199.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 90-4350 Filed 2-26-90; 8:45 am]

BILLING CODE 3710-08-M

Defense Contract Audit Agency

Privacy Act of 1974; New Record System Notice

AGENCY: Defense Contract Audit Agency (DCAA), DOD.

ACTION: Notice of a new system of records for public comment.

SUMMARY: The Defense Contract Audit Agency proposes to add a new system of records to its inventory of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a). The record system notice for the new system is set forth below.

DATES: The proposed action will be effective without further notice on March 29, 1990, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to Mr. Dave Henshall, ATTN: CMR, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304-6178. Telephone: (202) 274-4400.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency systems of records, as prescribed by the Privacy Act of 1974 (5 U.S.C. 552a), have been published in the Federal Register as follows:

50 FR 22884, May 29, 1985 (DoD Compilation, changes follow)
51 FR 18017, May 16, 1986
54 FR 37360, Sept. 8, 1989
54 FR 43316, Oct. 24, 1989
54 FR 46756, Nov. 7, 1989

A new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on February 15, 1990, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to paragraph 4b of Appendix I of OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals", dated

December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: February 21, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

RDCAA 152.1

SYSTEM NAME:

Security Information System (SIS).

SYSTEM LOCATION:

Primary system is located at the Security Office, Headquarters, Defense Contract Audit Agency (DCAA), Cameron Station, Alexandria, VA 22304–6178.

Decentralized segments are located at DCAA Regional Security Offices. Official mailing addresses are published as an appendix to DCAA's compilation of records systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, Social Security Number, date and place of birth, citizenship, position sensitivity, accession date, type and number of DCAA identification, position number, organizational assignment, security adjudication, clearance, eligibility, and investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 10450, "Security Requirements for Government Employees," as amended; Executive Order 12356, "National Security Information"; and Executive Order 9397.

PURPOSE(S):

To submit data on a regular basis to the DoD Defense Central Index of Investigations (DCII), and to provide the DCAA Security Office with a ready reference of security information on DCAA personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of DCAA's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated data systems.

RETRIEVABILITY:

Records are retrieved by Social Security Number or name of employee.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are retained in the active file until an employee separates from the agency. At that time, records are moved to the inactive file, retained for two years, and then deleted from the system. Hardcopy listings and tapes produced by this system are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, DCAA, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 or the Regional Security Offices whose official mailing addresses are published as an appendix to DCAA's compilation of system notices.

Individuals must furnish name; Social Security Number; approximate date of their association with DCAA; and geographic area in which consideration was requested for record to be located and identified.

RECORD ACCESS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 or the Regional Security Offices whose official mailing addresses are published as an appendix to DCAA's compilation of system notices.

Individuals must furnish name; Social Security Number; approximate date of their association with DCAA; and geographic area in which consideration was requested for record to be located and identified.

CONTESTING RECORD PROCEDURE:

DCAA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DCAA Instruction Number 5410.10, "DCAA Privacy Act Program"; 32 CFR part 290a; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information, other than data obtained directly from individual employees, is obtained by DCAA Headquarters and Regional Office Personnel and Security Divisions, and Federal Agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 90–4372 Filed 2–26–90; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Austria concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/AT(EU)–68, for the transfer of irradiated particles containing 106.6 grams of uranium enriched to 9.32 percent in the isotope uranium-235, and 1.76 grams of plutonium from the Federal Republic of Germany to Austria for post irradiation measurements.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the publication of this notice.

Issued in Washington, DC on February 21, 1990.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs, United States Department of Energy.

[FR Doc. 90–4437 Filed 2–26–90; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/EU(SD)–74, for the transfer from Switzerland to the Federal Republic of Germany of 12 fuel rods containing 16.754 kilograms of uranium, enriched to 0.42 percent in the isotope uranium–235 and 195 grams of plutonium, for post-irradiated examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 21, 1990.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 90–4438 Filed 2–26–90; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Special Research Branch Program Notice 90–4; Atmospheric Radiation Measurement Program

AGENCY: Office of Energy Research, DOE.

ACTION: Notice Inviting Grant Applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Department of Energy (DOE) hereby announces its interest in receiving applications for Special Research Grants to support the experimental and theoretical study of radiation and clouds in conjunction with the Atmospheric Radiation Measurement (ARM) Program. The first ARM research site will be in placed in calendar 1992 and will be probably located at a mid-continental location in the United States. The final determination of the site and of the initial complement of instruments will be made in late 1990 by the DOE. This notice requests applications for grants to support: (1) The modeling and analysis of data relating to the parameterization of clouds and radiation in General Circulation Models (GCMs) and includes process level models that can lead to improved GCMs and (2) the development of advanced instrumentation for both mapping the three-dimensional structure of the atmosphere and high-accuracy/precision radiometric observations. Applicants may apply for either the modeling and analysis program or for the development of advanced instrumentation, or both.

Consortia are encouraged to submit proposals that broaden the proposed work to include experimental investigations in support of (1) above, and consolidate scientific resources, equipment, and personnel for both (1) and (2) above. It is anticipated that up to 15 grants will be awarded for activity (1) above and up to five grants will be awarded for activity (2) above. Grant awards will generally be for a 3 to 5 year period beginning in the summer of 1990.

DATES: Applications should be sent to the address below by April 17, 1990. Technical portion of the proposal should not exceed twenty-five (25) double spaced pages. Lengthy appendices are not encouraged.

ADDRESSES: Completed applications referencing Program Notice 90–4 should be forwarded to: U.S. Department of Energy, Division of Acquisition and Assistance Management, Office of Energy Research, ER–64, room G–232, Washington, DC 20545.

FOR FURTHER INFORMATION CONTACT: Dr. Ari Patrinos, Atmospheric and Climate Research Division, Office of Health and Environmental Research, ER–76, Washington, DC 20545, (301) 353–4375.

SUPPLEMENTARY INFORMATION: One of the major scientific objectives of the Atmospheric and Climate Research Division is to improve the performance of predictive models of the Earth's Climate and to thereby make predictions of the response of the climate system to increasing concentrations of greenhouse gases. The purpose of the ARM program is to improve the treatment of radiation and clouds in the models used to predict future climate, particularly the GCMs. This program is one element of a major effort to improve the quality of current models and to support the development of sets of climate models capable of making regional prediction of climate and climate change. The major component of the ARM Program is an experimental testbed for the study of models of the terrestrial radiation field, properties of clouds, the formation of clouds, and the incorporation of these process level models into climate models. This testbed is referred to as the Clouds and Radiation Testbed (CART).

This notice requests applications for grants to support (1) The modeling and analysis of data relating to the parameterization of clouds and radiation in General Circulation Models (GCMs), including process level models that can lead to improved GCMs, and (2) the development of advanced instrumentation for both mapping the three-dimensional structure of the atmosphere and high-precision radiometric observations.

1. Successful applicants for grants in support of (1) above, will participate in the modeling and scientific portion of the ARM Program. These applicants must demonstrate the role of their research in the improvement of General Circulation Models and delineate the path that their results will take to make those improvements. During the pre-deployment phase of ARM, it is anticipated that the successful applicant will be involved in one or more of three activities: (a) The development of cloud and radiation models or the testing of these models in GCMs or process level models; (b) limited experimental studies to test elements of models and their performance or to obtain key laboratory data; and (c) the analysis of existing data, including field data and satellite data, to support model development or testing. These efforts should have a clearly defined path to the actual conduct of research using the CART being developed for ARM. These research efforts will be used to develop detailed experimental approaches for CART and to guide the final development and acquisition of the experimental equipment.

2. Successful applicants for participation in the ARM advanced instrument development program, (2) above, will develop instruments to meet two of the long-term needs of the ARM Program. The first of these needs is for a three-dimensional mapping of meteorological conditions in a roughly cylindrical volume with a 20 km radius and extending up to and through the tropopause. The meteorological variables to be mapped should, at a minimum, include temperature, water vapor concentration, cloud

characteristics and wind velocities, particularly in the vertical. The proposed scheme may include some provision for in-situ measurements and the incorporation of satellite data, but the desired product is to be a ground-based remote sensing system capable of 24-hour a day operation. It is anticipated that the first of the applicant's efforts will be spent on design and some proof-of-principle field testing. The second element of the advanced instrument development program is for the development of improved radiometric sensors, both broad-band and spectrally resolved. Of particular interest are instruments capable of high-precision radiometric calibration.

To ensure that the program meets the broadest needs of the research community and the specific needs of the DOE Atmospheric and Climate Research Division (ACRD), the successful applicants will participate as a Science Team along with selected scientists from other ACRD programs that relate to the ARM program. Costs for participation in the Science Team meetings and subcommittee meetings should be included in the respondent's proposal. Estimates should be based on two (2) trips of one week to Washington, DC, and two (2) trips of three (3) days to Chicago, IL.

Approximately $4,500,000 is available in FY 1990 to fund these efforts. Of this amount, approximately $3,000,000 has been allocated for the modeling and analysis activity, (1) above, and approximately $1,500,000 has been reserved for the advance instrument development program, (2) above. However, the actual allocation to activity (1) or activity (2), will depend on the number and quality of the proposals received. Grant awards will generally be 3 to 5 years in duration. It is anticipated that the funding for the above described activities could reach $10,000,000 per year at some time during the ten-year life of the program.

Information about submissions of applications, eligibility, limitations, evaluation, and selection processes, and other policies and procedures may be found in the OER Application and Guide for the Special Research Grants Program 10 CFR part 605. This application kit and guide is available from the U.S. Department of Energy, Acquisition and Assistance Management Division, Office of Energy Research, ER-64, Washington, DC, 20545. Telephone requests may be made by calling (301) 353-5544. The Catalog of Federal Domestic Assistance Number for this program is 81.049.

Issued in Washington, DC, on February 14, 1990.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 90-4440 Filed 2-26-90; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 90-03-NG]

Great Lakes Gas Transmission Co.; ANR Pipeline Co.; Joint Application for Transfer of Authority To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of joint application for transfer of authority to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 16, 1990, of a joint application from Great Lakes Gas Transmission Company (Great Lakes) and ANR Pipeline Company (ANR) requesting that the volumes of natural gas that Great Lakes is authorized to import from Canada be reduced by the amount it resells to ANR, and that ANR be authorized to import the gas directly. TransCanada PipeLines Limited (TransCanada) would remain the supplier of the gas and Great Lakes would transport it for ANR. Great Lakes currently is authorized to import up to 19,064 Mcf per day plus additional "overrun" volumes on an interruptible basis, for resale to ANR.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notice of intervention and written comments are invited.

DATES: Protests, motions to intervene or notice of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., March 29, 1990.

ADDRESSES: Office of Fuels, Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Robert Stronach, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9622

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Buiilding, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667

SUPPLEMENTARY INFORMATION: During the last four years, Great Lakes has encouraged its resale customers, including ANR, to negotiate gas sales directly with TransCanada. This has resulted in significantly lower prices and arrangements that include indices which adjust prices in accordance with market conditions. As a result of this experience the applicants believe it is in their mutual interest for ANR to purchase directly from TransCanada the volumes of gas now being purchased by Great Lakes and resold to ANR, and for Great Lakes only to transport these volumes for ANR. This would allow ANR more flexibility in future price negotiations and would provide better communication of market signals between ANR and TransCanada. Great Lakes' existing import authority would be modified to eliminate the volumes that Great Lakes is authorized to import from TransCanada for resale to ANR, and ANR would be authorized to import the identical volumes directly from TransCanada.

The application included a November 21, 1989, precedent agreement between Great Lakes, ANR and TransCanada, a proposed gas purchase contract between ANR and TransCanada, and a proposed transportation service agreement between Greak Lakes and ANR. According to the precedent agreement, the gas purchase contract and the transportation service agreement will be executed by the respective parties within five days after receipt of all regulatory approvals acceptable to the parties, excluding the approval of Great Lakes' Federal Energy Regulatory Commission (FERC) gas tariff under which Great Lakes will transport the gas for ANR. Effective as of the first day of the month following the receipt of all regulatory and governmental approvals acceptable to the parties, ANR will import the volumes of gas directly from TransCanada; Great Lakes and ANR will terminate their service agreement; and Great Lakes will transport the ANR volumes from the Emerson, Manitoba, interconnection to ANR delivery points

in accordance with the FERC gas tariff. The proposed gas purchase contract has identical pricing provisions to those currently in effect for the ANR volumes and the contract term remains the same, ending October 31, 1990.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicants assert that this import arrangement will be competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The DOE has determined that compliance with the National Environmental Policy Act (NEPA), 42 (NEPA), 42 U.S.C. 4321 *et seq.*, can be accomplished by means of a categorical exclusion. On March 27, 1989, the DOE published in the **Federal Register** (54 FR 12474) a notice of amendments to its guidelines for compliance with NEPA. In that notice, the DOE added to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the DOE's action is not a major federal action under NEPA. Unless the DOE receives comments indicating that the grant or denial of the authorization would significantly affect the quality of the human environment, the DOE expects that no additional environmental review will be required.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590.

Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Great Lakes/ANR Pipeline Company's joint application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on February 16, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-4439 Filed 2-26-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER90-193-000 et al.]

Northeast Utilities Service Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Northeast Utilities Service Company

[Docket No. ER90-193-000]

February 14, 1990.

Take notice that on February 5, 1990, Northeast Utilities Service Company (NUSCO) acting as Agent for the Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) tendered for filing as a rate schedule an agreement (the Agreement) between the NU Companies and Central Vermont Public Service Corporation (CVPS). The Agreement, dated as of July 1, 1988, provides for the NU Companies to sell system energy or for the NU Companies to exchange system energy for an entitlement in capacity from CVPS's system that may be available on a daily or weekly basis. This Agreement shall supersede the System Power Sales Agreement between the parties dated January 20, 1983.

NUSCO requests that the Commission waive its customary notice period and filing requirements to the extent necessary to allow the Agreement to become effective on July 1, 1988.

CVPS has filed a Certificate of Concurrence in this docket.

The Agreement has been executed by the NU Companies and by CVPS and copies have been mailed or delivered to each of them.

NUSCO further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Union Electric Company

[Docket No. ER90-200-000]

February 14, 1990.

Take notice that Union Electric Company on February 5, 1990, tendered for filing a Substitute Power Agreement effective December 1, 1989, with the City of California, Missouri, providing for the sale of substitute electric service.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Iowa Power and Light Company

[Docket No. ER90-183-000]

February 14, 1990.

Take notice that on January 31, 1990, Iowa Power and Light Company (IP&L) tendered for filing a Notice of Name Change. IP&L states that on January 1, 1990 it formally changed its name from Iowa Power and Light Company to Iowa Power Inc.

IP&L further states that this change reflects only a corporate name change and has no effect at all on the Company's rights, obligations or positions as expressed in any pleading, rate schedule or other document on file with the Commission.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. Consolidated Edison Company

[Docket No. ER90-93-000]

February 14, 1990.

Take notice that on February 6, 1990, Consolidated Edison Company of New York, Inc. (Con Edison) tendered a further amendment of its December 4, 1989 filing. This amendment provides additional information regarding cost support for the sale of firm power and energy to the Connecticut Light and Power Company (CL&P).

Con Edison states that a copy of this amended filing has been served by mail upon CL&P.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Southwestern Public Service Company

[Docket No. ER90-195-000]

February 14, 1990.

Take notice that Southwestern Public Service Company (Southwestern) on February 5, 1990 tendered for filing proposed changes in its rates for partial requirements firm services to Lubbock Power and Light Company of the City of Lubbock, Texas and the cities of Brownfield, Floydada and Tulia, Texas (Cities).

The proposed change results in an 11.6 percent decrease in overall revenues for the Cities' rate schedules. The proposed decrease was obtained requisite agreement from the Cities. Southwestern has reached similar rate reduction agreements with other full and partial requirements customers which were filed for approval by the Commission in Docket Nos. ER90-65-000 and ER90-96-000.

The decrease is proposed to become effective January 1, 1990. The purpose of the decrease is to reflect in the Cities' base rates, Southwestern's lower costs to provide service to its customers as of January 1, 1990. These lower costs of service result primarily from: (1) The termination on December 31, 1989 of Southwestern's purchase of surplus energy from Public Service Company of New Mexico of which a portion of the current reservation fee is included in the customers' existing base rates, (2) reduced capital costs, and (3) reduced federal income taxes arising from the Tax Reform Act of 1986.

Copies of the filing were served upon the Cities and the Public Utility Commission of Texas.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Pennsylvania Power & Light Company

[Docket No. ER90-191-000]

February 14, 1990.

Take notice that on February 5, 1990, Pennsylvania Power & Light Company (PP&L) tendered for filing, as an initial rate schedule, a Transmission Entitlement Sales Agreement (Agreement) between PP&L and Delmarva Power & Light Company (Delmarva) providing for PP&L's short-term sale to Delmarva of mutually agreed upon portions of PP&L's entitlement for the use of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection's transmission system, which is used to import energy from systems to the west of the PJM Interconnection. The maximum rate that will be charged under the Agreement is 5.5 mills per megawatt hour for energy imported using PP&L's transmission entitlement, which is equal to the current rate of $5.50 per megawatt hour rate set forth in Schedule 4.02 of the PJM Agreement.

PP&L requests waiver of the notice requirements of section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective as of February 5, 1990, in accordance with the anticipated commencement of service.

PP&L states that a copy of its filing was served on Delmarva, the Pennsylvania Public Utility Commission, and the Delaware Public Service Commission.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. New York State Electric and Gas Corporation

[Docket No. ER90-202-000]

February 14, 1990.

Take notice that on February 6, 1990, New York State Electric and Gas Corporation (NYSEG) tendered for filing two letter agreements both dated December 21, 1989, between NYSEG and the New York Power Authority (NYPA).

NYSEG states that the first letter agreement, extends the terms of and supplement a February 1982 Letter Agreement to which NYPA and NYSEG are parties and which, by a Settlement Agreement approved by the Commission incorporates changes to the rates and terms and conditions applicable to transmission service provided to the Authority by NYSEG for the Authority's in-state municipal and cooperative customers contracts.

NYSEG further states that the second letter Agreement dated December 21, 1989, provides for a new stand-by service pursuant to which NYSEG proposed to provide on an as available basis energy for resale by NYPA to NYPA's in-state municipal and cooperative customers.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. James L. Broadhead

[Docket No. ID-2407-001]

February 14, 1990.

Take notice that on February 5, 1990, James L. Broadhead filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board and Chief Executive Officer.	Florida Power & Light Company.
Director	Barnett Banks, Inc.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Company of New Hampshire

[Docket No. ER90-198-000]

February 14, 1990.

Take notice that on February 5, 1990, Public Service Company of New Hampshire (PSNH or the Company) filed an agreement extending a transmission contract dated December 5, 1980 under which PSNH wheels over its system power purchased by Massachusetts Municipal Wholesale Electric Company (MMWEC) from the New Brunswick Electric Power Commission's Pt. LePreau unit.

The agreement expired by its terms on October 31, 1988. PSNH and MMWEC, both joint owners of the Seabrook nuclear plant, later agreed to extend the agreement on a monthly basis while they were discussing a comprehensive

settlement of Seabrook matters and extension of the Pt. LePreau agreement. PSNH

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

10. Pennsylvania Power & Light Company

[Docket No. ER90-192-000]

February 14, 1990.

Take notice that on February 5, 1990, Pennsylvania Power & Light Company (PP&L) tendered for filing, as an initial rate schedule, a Transmission Entitlement Sales Agreement (Agreement) between PP&L and Atlantic City Electric Company (ACE) providing for PP&L's short-term sale to ACE of mutually agreed upon portions of PPUL's entitlement for the use of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection's transmission system, which is used to import energy from systems to the west of the PJM Interconnection. The maximum rate that will be charged under the Agreement is 5.5 mills per megawatt hour for energy imported using PP&L's transmission entitlement, which is equal to the current rate of $5.50 per megawatt hour rate set forth in Schedule 4.02 of the PJM Agreement.

PP&L requests waiver of the notice requirements of Section 205 of the Federal Power Act and Section 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective as of February 5, 1990, in accordance with the anticipated commencement of service.

PP&L states that a copy of its filing was served on ACE, the Pennsylvania Public Utility Commission, and the New Jersey Board of Public Utilities.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

11. Montana Power Company

[Docket No. ER90-197-000]

February 15, 1990.

Take notice that on February 5, 1990, Montana Power Company (MPC) tendered for filing an amendment to the MPC's FERC Electric Tariff Original Volume No. 1, which sets forth MPC's Nonfirm Energy for Resale Rates (M-1 Tariff). The amendment establishes a maximum energy reservation charge and an energy price of short term non-firm power sales by MPC, and permits the negotiation of a price to be above the energy price and not to exceed the total of the energy reservation charge and the energy price based on conditions which exist at the time of each transaction. MPC also submits a report showing for each sale under its M-1 Tariff in the period from July 1988 through June 1989 the particular utility purchaser, the unit sales price, and the fully allocated cost of the plant from which power was supplied, along with cost justification for such sales based on the previously approved methodology. MPC also requests that the Commission terminate with regard to future sales the requirement that MPC file period reports regarding sales of short-term non-firm energy pursuant to its M-1 Tariff. MPC requests that the Commission waive its notice requirements and accept the proposed amendment to MPC's FERC Electric Tariff Original Volume No. 1 for filing and permit the amendment to become effective without suspension on July 1, 1989.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

12. PacifiCorp, Doing Business as Pacific Power & Light Company and Utah Power & Light Company

[Docket No. ER90-199-000]

February 14, 1990.

Take notice that PacifiCorp, doing business as Pacific Power & Light Company and Utah Power & Light Company (PacifiCorp), on February 5, 1990, tendered for filing, in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations, First Revised Sheet No. 3.0 superseding Original Sheet No. 3.0 (Index of Utilities Executing Service Agreements of PacifiCorp's FERC Electric Tariff, Original Volume No. 5 (Tariff), and a Firm Transmission Services Agreement (Service Agreement) between PacifiCorp and Montana Power Company (Montana) dated November 9, 1989 under Service Schedule TS-1 of the Tariff.

Under the terms of the Service Agreement, PacifiCorp will provide firm transmission service for Montana under Service Schedule TS-1 of the Tariff.

PacifiCorp respectully requests that a waiver of the prior requirements of 18 CFR 35.3 be granted pursuant to 18 CFR § 35.11 of the Commission's Rules and Regulations and that an effective date of October 1, 1989 be assigned to the Service Agreement, this date being consistent with the effective date shown on the Service Agreement.

Copies of this filing were supplied to Montana Power Company, the Montana Public Service Commission, the Public Utility Commission of Oregon, and the Wyoming Public Service Commission.

Comment date: March 1, 1990, in accordance with Standard Paragraph E at the end of this notice.

13. Consolidated Edison Company

[Docket No. ER-90-114-000]

February 15, 1990.

Take notice that on February 6, 1990, Consolidated Edison Company of New York, Inc. (Con Edison) tendered a further amendment of its December 19, 1989 filing. This amendment provides additional information regarding cost support for the sale of firm winter capacity and energy to Power Authority of the State of New York (the Authority) for resale to Hydro-Quebec.

Con Edison states that a copy of this amended filing has been served by mail upon the Authority.

Comment date: March 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

14. Ohio Power Company

[Docket No. ER90-207-000]

February 15, 1990.

Take notice that on February 9, 1990, Ohio Power Company (Ohio Power) tendered for filing with the Commission Amendment No. 4 to an agreement dated June 20, 1968 between Ohio Power and Ohio Edison Company (Ohio Edison). The purpose of Amendment No. 4 is to provide for inclusion in the agreement of an additional member of Buckeye Power, Inc. (Union Rural Electric Cooperative, Inc.) and to establish an additional Ohio Edison Delivery Point.

Ohio Power has requested an effective date of March 1, 1990

Comment date: March 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

15. Union Electric Company

[Docket No. ER84-560-026]

February 15, 1990.

Take notice that on February 8, 1990, Union Electric Company (Union Electric) tendered for filing an Amended Refund Report showing the computation of the refunds and interest for Malden, Poplar Bluff and Iowa Army Ammunition, as well as the previously reported refunds for Union Electric's other wholesale customers.

Comment date: March 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

16. United Illuminating Company

[Docket No. ER90-125-000]

February 15, 1990.

Take notice that on February 8, 1990, The United Illuminating Company (UI) tendered for filing an amendment to its December 22, 1989 filing revising its FERC Electric Tariff, Original Volume

No. 1. The amendment will reduce the rate increase requested by UI in the December filing. Because no customers are presently taking service under the Tariff, UI cannot estimate an increase in revenues.

UI states that copies of this rate schedule have been mailed or delivered to parties on the official service list, McCallum Enterprises I Limited Partnership and its counsel, and the Connecticut Department of Public Utility Control.

UI further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: March 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

17. Portland General Exchange, Inc.

[Docket No. ER89-581-000]

February 16, 1990.

Take notice that on February 9, 1990 Portland General Electric (PGE) tendered for filing an amendment to its filing of Power Services Agreement between Portland General Electric Company and Portland General Exchange, Incorporated. PGE states that the amendment is the Response of Portland General Electric Company to October 11, 1989, Deficiency Letter.

Copies of the Response have been served on the Distribution List, as included in the filing.

Comment date: March 5, 1990, in accordance with Standard Paragraph E at the end of this notice.

18. Dynamis Incorporated

[Docket No. QF88-362-003]

February 16, 1990.

On February 2, 1990, Dynamis Incorporated (Applicant), of 5104 Old Ironsides Drive, #210, Santa Clara, California 95054 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the City of Sanger, in Fresno County, California. The primary energy source will be biomass in the form of agricultural waste. The facility will be a part of an integrated system that will also include a cogeneration facility.

The original application was filed on May 4, 1988, and certification was issued on September 21, 1988 (44 FERC ¶62,277). The recertification is requested due to a decrease in the electric power production capacity from 10 MW to 780 KW.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

19. Montana Power Company

[Docket No. ER90-197-000]

February 16, 1990.

Take notice that on February 8, 1990, Montana Power Company (Montana) tendered for filing an amendment to its FERC Electric Tariff Original Volume No. 1, which sets forth Montana's Nonfirm Energy for Resale Rates (M-1 Tariff). Montana states that the amendment establishes a maximum energy reservation charge and an energy price of short term non-firm power sales by Montana, and permits the negotiation of a price within the limits so established based on conditions which exist at the time of each transaction.

Montana's filing also included a revised index of purchasers under its M-1 Tariff to show the addition of (1) Modesto Irrigation District, (2) Rocky Mountain Generation Co-op, and (3) Tucson Electric Power Company, and summaries of sales made under the M-1 Tariff during July 1988 through June 1989 with cost justification for the rates charged.

Montana has requested waiver of the Commission's notice requirements in order to allow the amendments to become effective on the dates specified in its application.

Comment date: March 5, 1990, in accordance with Standard Paragraph E at the end of this notice.

20. Canal Electric Company

[Docket No. ER90-211-000]

February 16, 1990.

Take notice that on February 9, 1990, Canal Electric Company (Canal) tendered for filing a Notice of Termination of Rate Schedule FERC No. 26, Supplement No. 1 to Rate Schedule FERC No. 26 and Supplement No. 8 to Rate Schedule FERC No. 21; and Rate Schedule FERC No. 29 and Supplement No. 11 to Rate Schedule FERC No. 21.

Canal requests an effective date of October 31, 1989.

Comment date: March 5, 1990, in accordance with standard Paragraph E at the end of this notice.

21. American Electric Power Service Corporation

[Docket No. ER90-208-000]

February 16, 1990.

Take notice that American Electric Power Service Corp. on February 12, 1990 tendered for filing Modification No. 3 to the Power Supply Agreement dated as of October 1, 1982, among Appalachian Power Company, a Virginia corporation, Ohio Power Company, an Ohio corporation, Monongahela Power Company, an Ohio corporation, and West Penn Power Company, a Pennsylvania corporation, on behalf of its affiliates, Appalachian Power Company and Ohio Power Company (AEP Parties).

This Modification increases the monthly demand rate for power supplied as anticipated in the Agreement. Acceptance is also requested to increase the energy adder in accordance with the provisions of the Agreement.

AEP has requested an effective date of April 19, 1990 for the Modification and February 15, 1990 for the increase in the energy adder.

Copies of the filing were served upon the Allegheny Power Service Corporation and the General Public Utilities Service Corporation the Public Utilities Commission of Ohio, the Public Service Commission of West Virginia, and the State Corporation Commission of Virginia.

Comment date: March 5, 1990, in accordance with Standard Paragraph E at the end of this notice.

22. Connecticut Light and Power Company

[Docket No. ER90-209-000]

February 16, 1990.

Take notice that on February 12, 1990, the Connecticut Light and Power Company (CL&P) tendered for filing proposed amendments (Amendments) to various rate schedules with respect to system sales agreements.

CL&P states that the Amendments reduce the capacity charge and/or energy reservation charge in each of the rate schedules to a maximum of $10.00 per megawatt-hour when CL&P and Western Massachusetts Electric Company (WMECO) (collectively called the NU Companies) are the seller.

CL&P requests that the Commission waive its standard notice period and permit the Amendments to become effective as of July 1, 1987.

CL&P states that copies of this Amendment have been mailed or delivered to each of the affected parties.

Comment date: March 5, 1990, in accordance with Standard Paragraph E at the end of this notice.

23. Montaup Electric Company

[Docket No. ER90-210-000]

February 16, 1990.

Take notice that on February 8, 1990, Montaup Electric Company (Montaup) filed a letter under section 205 of the Federal Power Act of a credit under its

Purchased Capacity Adjustment Clause (PCAC) to true up the amounts billed in 1989 under a forecast billing rate to conform with actual purchased capacity costs. The credit will be applied to bills charged by Montaup for all requirements service to Montaup's Blackstone Valley Electric Company in Rhode Island and contract demand service to the three non-affiliated customers: The Town of Middleborough in Massachusetts and Pascoag Fire District and Newport Electric Corporation in Rhode Island.

The PCAC was established by the settlement agreement in FERC No. Docket No. ER85-106-002 and provides that Montaup will collect PCAC revenues from its wholesale customers for the sale of electric power through a forecast billing over an adjustment period consisting of a calendar year and will true up the amounts collected during each adjustment period to reflect actual cost through a surcharge or credit at the end of the adjustment period. The forecast billing rate in determined based on cost estimates provided by each supplier. The company keeps track of the accumulated overrecovery or underrecovery under the forecast billing rate as compared with actual payments by Montaup for purchased capacity and accrues a carrying charge to the customer's credit (in the case of accumulated overrecovery) or to its own (in the case of an accumulated underrecovery). The accumulated overrecovery or underrecovery as of the end of each calendar year is flowed through to or recovered from customers in a credit or surcharge filed after the end of that year. The credit or surcharge is to be applied to a single month's bill unless (in the case of a surcharge) the percentage increase in the bill would exceed five percent. Any inaccuracy in the forecast billing rate is thus corrected and customers end up paying the cost actually incurred.

Montaup's forecast billing rate in effect during 1989 resulted in a cumulative overrecovery as of December 31, 1989 in the amount of $1,074,559.39. Applying interest for the month of January, 1990 to this overrecovery results in a total credit of $1,084,122.97, to be applied to the customers' January bills.

Montaup requests that it be permitted to apply the respective credits as part of the bills rendered to its customers in February, 1990 for service during January, 1990 and requests waiver of the 60-day notice requirement.

Comment date: March 5, 1990, in accordance with Standard Paragraph E at the end of this notice.

24. Carolina Power & Light Company

[Docket No. ER90-213-000]

February 20, 1990.

Take notice that Carolina Power & Light Company (CP&L) on February 13, 1990, tendered for filing changes outlined below in its agreements with Carteret-Craven Electric Membership Corporation (EMC), French Broad EMC, Halifax EMC, Jones-Onslow EMC, Randolph EMC, South River EMC, Wake EMC, Tri-County EMC, Pitt-Greene EMC, Four County EMC and Tideland EMC.

1. *Carteret-Craven EMC—Newport 115 kV*—As a result of a change in CP&L's criteria for installing transmission line sectionalizing switches, CP&L reduced the monthly facilities charge at this point of delivery.

2. *Randolph EMC—EMC Eastwood 115 kV*—The monthly facilities charge has been increased to reflect the addition of 23 kV metering and kWh and kQh meter pulses at the 23 kV meter/

3. *Randolph EMC—Ulah 115 kV*—This change reflects the correct location of the POD and the correct metered voltage.

4. *South River EMC—Grays Creek 115 kV*—kWh and kQh meter pulses have been installed at this point of delivery at the customer's request resulting in a monthly facilities charge.

5. *Hailfax EMC—Warrenton 12 kV*—kWh and kQh meter pulses have been installed at this point of delivery at the customer's request resulting in a monthly facilities charge.

6. *French Broad EMC—Cedar Hill 115 kV*—Reflects the conversion of this point of delivery from 69 kV to 115 kV.

7. *French Broad EMC— Petersburg 115 kV*—Reflects the conversion of this point of delivery from 69 kV to 115 kV.

8. *French Broad EMC—Marshall 115 kV*—Reflects the conversion of this point of delivery from 69 kV to 115kV, installation of air break switches, and replacement of the 69 kV metering with 12 kV compensated metering. There will be a monthly facilities charge associated with the air break switches.

9. *French Broad EMC—Mars Hill 115 kV*—Reflects the conversion of this point of delivery from 69 kV to 115 kV and an installation of air break switches as additional facilities. There will be a monthly facilities charge associated with the air break switches.

10. *Jones-Onslow EMC—Jacksonville 33 kV*—This point of delivery is being cancelled and the load transferred to the Jacksonville East 115 kV point of delivery.

11. *Tri-County EMC—Beulaville 115 kV, Genoa kV, Rosewood 115 kV*—kWh and kQh meter pulses have been installed at these points of delivery at the customer's request resulting in a monthly facilities charge.

12. *Pitt-Greene EMC—Davenport 115 kV*—kWh and kQh meter pulses have been installed at this point of delivery at the customer's request resulting in a monthly facilities charge.

13. *Wake EMC—Wake Forest 12 kV*—This point of delivery is being cancelled and the load transferred to Youngsville 69 kV point of delivery.

14. *Four County EMC—Wallace 115 kV and Powell 230 kV*—kQh meter pluses have been added to the present meter pulses at these points of delivery resulting in an increase in the monthly facilities charge.

15. *Four County EMC—York 230 kV*—Reflects the installation of a new point of delivery. Load is being transferred from Wallace 115 kV and Powell 230 kV points of delivery to this new point of delivery. In addition, special metering facilities have been installed at the customer's request to provide kWh and kQh meter pulse information.

16. *Tideland EMC—Grantsboro 230 kV*—Reflects the installation of a new point of delivery. Load is being transferred from Bayboro 23 kV point of delivery to this new point of delivery. The customer has requested and the company has installed special metering facilities to provide kWh and kQh meter pluse information under the CP&L's additional facilities plan.

17. *Wake EMC—Wake Forest 12 kV*—This point of delivery has been cancelled and the load transferred to Youngsville 69 kV point of delivery.

The Company requests that the notice period be waived and these supplements be made effective coincident with the effective dates set forth on the notices of cancellation and the Exhibits A.

Comment date: March 6, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4347 Filed 2-26-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-725-000, et al.]

Natural Gas Pipeline Company of America, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Natural Gas Pipeline Company of America

[Docket No. CP90-725-000]

February 14, 1990.

Take notice that on February 7, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89-725-000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on an interruptible basis for Seagull Marketing Services, Inc. (Seagull), a marketer of natural gas, under its blanket certificate issued in Docket No. CP86-582-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states that it proposes to transport natural gas for Seagull between points of receipt in Texas, Offshore Texas, Louisiana, Offshore Louisiana, and Arkansas, and the delivery points located in Illinois, Oklahoma, Offshore Louisiana, New Mexico, Offshore Texas, Arkansas, and Kansas.

Natural further states that the maximum daily average and annual quantities that it would transport for Seagull would be 125,000 MMBtu equivalent of natural gas (plus any additional quantities accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS), 25,000 MMBtu equivalent of natural gas and 9,125,000 MMBtu equivalent of natural gas, respectively.

Natural indicates that in a filing made with the Commission on January 3, 1990, at Docket No. ST90-1312, it reported that transportation service for Seagull began on December 5, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. Texas Gas Transmission Corporation, Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP90-680-000]

February 14, 1990.

Take notice that on February 1, 1990, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, and Arkla Energy Resources (AER), a division of Arkla, Inc., P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP90-680-000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing Texas Gas and AER to (1) acquire an undivided joint ownership interest in certain facilities that have been constructed and are owned, or are to be constructed, and (2) pre-granted abandonment authority pursuant to section 7(b) of the NGA, for the abandonment of that undivided joint ownership interest upon the occurrence of certain events, together with authorization under section 7(c) of the NGA for AER, if and when the aforementioned events occur, to reacquire and provide service by means of such interest without further Commission review, all as more fully described in the application which is on file with the Commission and open to public inspection.

By an application filed by AER with the Commission in Docket No. CP89-2174-000 (AER Application), AER states that it has requested authority from the Commission to operate under Section 7 of the NGA a new pipeline system extending from eastern Oklahoma to eastern Arkansas (including compression and other appurtenant facilities) which either has been or will be constructed by AER under the authority of section 311 of the NGPA. It is stated that these facilities have been designated by AER as Line AC. By an application filed by AER in Docket No. CP90-188-000, AER explains that it is requesting authority to sell up to 75,000 MMBtu of natural gas per day to Texas Gas and to construct and operate a tap and measurement facility near Glendale, Arkansas (Glendale Meter Station), located at the eastern terminus of Line AC. It is stated that it is Line AC and the Glendale Meter Station in which Texas Gas is requesting authority to acquire an undivided joint ownership interest and which would provide it with 300,000 Mcf per day of capacity. It is indicated that in order to receive volumes from Line AC into its contiguous pipeline system, Texas Gas proposes to construct what is referred to in the contractual agreements between Texas Gas and Arkla, Inc. (Arkla) as the Crossover Line. This pipeline, it is indicated, would extend from the Glendale Meter Station in a southeasterly direction where it would connect into Texas Gas' existing pipeline system at a point near Cleveland, Mississippi. Texas Gas and AER state that the Crossover Line is the subject of a separate application filed contemporaneously with the subject application.

As explained in more detail in the AER application, the construction of Line AC, along with other related facilities, is part of Arkla's program to develop additional transmission capacity from west to east for the substantial new reserves being discovered in the Arkoma and Anadarko Basins. It is stated that the construction of line AC would add capacity of one Bcf per day for the movement of gas out of the Arkoma Basin. Under the subject proposal, Texas Gas would acquire an interest in Line AC and the Glendale Meter Station. It is stated that the total cost of the facilities in which Texas Gas would acquire an interest is approximately $240,710,000, of which Texas Gas' share would be approximately $72,213,000.

Texas Gas also requests authority for pre-granted abandonment of its interest in these facilities, in order for Texas Gas to transfer its interest in these facilities to AER should certain events, occur or not occur triggering a reversion to, or right of reacquisition by, AER, as set out in the agreements between the parties.

In order to permit the orderly operation of these undivided joint ownership rights, if and when reversion or reacquisition thereof is triggered, AER requests pre-granted authorization for its reacquisition of such rights and the subsequent use thereof to provide service under its then applicable tariffs.

Texas Gas states that the acquisition and use by Texas Gas of an interest in Line AC and the Glendale Meter Station, along with the construction of the Crossover Line, would increase the security and reliability of gas supply to Texas Gas' customers. As Texas Gas' system is now configured, Texas Gas relies primarily on the producing areas of onshore and offshore Texas and Louisiana for its gas supply. Acquisition of a portion of Line AC, it is asserted, would provide both Texas Gas and its customers (both sales and transportation) access to the Arkoma and Anadarko Basins. Likewise, it is noted that producers of natural gas in these supply areas who do not currently have access to markets served by Texas Gas or its customers, would have direct access to those markets.

Comment date: March 7, 1990 in accordance with Standard Paragraph F at the end of the notice.

3. Texas Gas Transmission Corporation

[Docket No. CP90-677-000]

February 14, 1990

Take notice that on February 1, 1990, Texas Gas Transmission Corporation

(Texas Gas), P.O. Box 1160, Ownesboro, Kentucky 42302, filed in Docket No. CP90–677–000 an application, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to authorize the construction, installation and operation of approximately 68.99 miles of 30-inch pipeline and a 15,900 horsepower compressor station, such facilities to be known as the Crossover Line, all as more fully described in the application which is on file with the Commission and open to public inspection.

It is stated that the 68.99 mile pipeline proposed by Texas Gas would originate from a piont near Glendale, Arkansas, at the point where Arkla Energy Resources', a division of Arkla, Inc., (AER) proposed Line AC terminates and would extend through southern Arkansas in a southeasterly direction, cross the Mississippi River and interconnect with Texas Gas' existing mainline system near Cleveland, Mississippi. The 15,900 horsepower compressor station, it is indicated, would be located near Glendale, Arkansas. Texas Gas asserts that the Crossover Line would provide Texas Gas with the facilities necessary to interconnect its existing system with and receive natural gas from Line AC. Texas Gas states that by a separate application made in Docket No. CP90–680–000, Texas Gas is requesting authority to acquire an undivided joint ownership interest in Line AC equal to 300,000 Mcf per day of capacity.

Texas Gas states that the Crossover Line would provide 500,000 Mcf per day of capacity from Glendale to Cleveland and that 300,000 Mcf per day of such capacity is necessary to receive volumes of gas out of Texas Gas' capacity in Line AC. The additional 200,000 Mcf per day of capacity, Texas Gas states, is necessary to receive into its system gas proposed to be purchased by Texas Gas from AER, which is fully described in the application filed by AER in Docket No. CP90–188–000.

Texas Gas estimates cost of the Crossover Line to be $83,575,720.00, exclusive of filing fees, and it is proposed to be in service by November of 1991.

Texas Gas states that the construction of the Crossover Line and the acquisition and use by Texas Gas of an interest in Line AC would increase the security and reliability of gas supply to Texas Gas' customers. As Texas Gas' system is now configured, Texas Gas states that it relies primarily on the producing area of onshore and offshore Texas and Louisiana for its gas supply. Texas Gas believes construction of the Crossover Line and acquisition of an interest in Line AC would provide both Texas Gas and its customers (both sales and transportation) access to the Arkoma and Anadarko Basins. In addition, Texas Gas believes producers of natural gas in these supply areas who do not currently have access to those markets will have direct access to those markets.

Comment date: March 7, 1990, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP90–742–000]

February 14, 1990.

Take notice that on February 9, 1990, Natural Gas Pipeline Company (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–742–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport, on an interruptible basis, for Acacia Gas Corporation (Acacia), a marketer of natural gas, under Natural's blanket certificate issued in Docket No. CP86–582–000, all as more fully set forth in the application on file with the Commission and open to public inspection.

Natural states that the interruptible gas transportation agreement, dated July 17, 1989, proposes to transport up to a maximum of 65,000 MMBtu (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS). The receipt points are located in Texas, offshore Texas, Oklahoma, Louisiana, offshore Louisiana, Illinois, Kansas, Arkansas and Iowa, and the delivery points are located in Texas, offshore Texas, offshore Louisiana, New Mexico and Oklahoma. It is stated that Acacia has advised Natural that the volume anticipated to be transported under the agreement on an average day is 20,000 MMBtu and the annual volume to be transported is 7,300,000 MMBtu.

Natural states that it commenced the transportation of natural gas for Acacia on December 8, 1989, in Docket No. ST90–1809–000 for a 120-day period ending April 7, 1990, pursuant to § 284.223(a)(1) of the Commission's Regulations and to continue this service in accordance with Sections 284.221 and 284.223(b).

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Mississippi River Transmission Corporation

Docket No. CP90–758–000]

February 14, 1990.

Take notice that on February 22, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90–758–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Illinois Power Company (IPC), a local distribution company, under the blanket certificate issued in Docket No. CP89–1121–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

MRT states that pursuant to a transportation service agreement dated November 17, 1989, under its Rate Schedule ITS, it proposes to transport up to 241,500 MMBtu per day equivalent of natural gas for IPC. MRT states that it would transport the gas from receipt points located in Oklahoma, Texas, Arkansas and Illinois, and would redeliver the gas to delivery points located in Illinois.

MRT advises that service under § 284.223(a) commenced December 28, 1989, as reported in Docket No. ST90–1498–000 (filed January 19, 1990). MRT further advises that it would transport 87,671 MMBtu on an average day and 32,000,000 MMBtu annually.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. Arkla Energy Marketing Company

[Docket Nos. CI86–377–004 and CI86–378–004]

February 14, 1990.

Take notice that on February 9, 1990, Arkla Energy Marketing Company (AEM) of 525 Milam Street, P. O. Box 21734, Shreveport, Louisiana 71151, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension, for an unlimited term, of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission in Docket Nos. CI86–377–003 and CI86–378–003 for a term expiring March 31, 1990, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 5, 1990, in accordance with Standard Paragraph J at the end of this notice.

7. Texas Gas Transmission Corporation

[Docket No. CP90–746–000]

February 14, 1990.

Take notice that on February 9, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–746–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Chevron USA, Inc. (Chevron), under Texas Gas' blanket certificate issued in Docket No. CP88–686–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport, on an interruptible basis, up to a maximum of 25,000 MMBtu of natural gas per day for Chevron from receipt points located in Offshore Louisiana to a delivery point located in Offshore Louisiana. Texas Gas anticipates transporting 19,500 MMBtu on an average day and an annual volume of 7,117,500 MMBtu.

Texas Gas states that the transportation of natural gas for Chevron commenced December 15, 1989, as reported in Docket No. ST90–1365–000, for a 120-day period pursuant to § 284.233(a) of the Commission's Regulations and the blanket certificate issued to Texas Gas in Docket No. CP88–686–000.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

8. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–755–000]

February 14, 1990.

Take notice that on February 12, 1990, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP90–755–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Superior Natural Gas Corp. (Superior), under Transco's blanket certificate issued in Docket No. CP88–328–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco requests authorization to transport, on an interruptible basis, up to a maximum of 50,000 dt of natural gas per day for Superior from receipt points located in offshore Texas and offshore Louisiana to delivery points located in Texas, offshore Texas, and offshore Louisiana. Transco anticipates transporting, on an average day 50,000 dt and an annual volume of 18,250,000 dt.

Transco states that the transportation of natural gas for Superior commenced December 31, 1989, as reported in Docket No. ST90–1670–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Transco in Docket No. CP88–328–000.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. El Paso Natural Gas Company

[Docket No. CP90–751–000]

February 14, 1990.

Take notice that on February 12, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–751–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to transport natural gas on behalf of Trigen Resources Corp. (Trigen), a shipper of natural gas, under El Paso's blanket certificate issued in Docket No. CP88–433–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso proposes to transport, on an interruptible basis, up to 25,750 MMBtu equivalent of natural gas on a peak day, 3,863 MMBtu equivalent on an average day, and 1,409,995 MMBtu equivalent on an annual basis for Trigen. It is stated that El Paso would receive the gas for Trigen's account at any receipt point on El Paso's system and would deliver equivalent volumes for Trigen's account at two Southwestern Public Service Power Plants in Lamb County, Texas. It is asserted that the transportation service would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced January 1, 1990, under the self-implementing authorization of § 284.233 of the Commission's Regulations, as reported in Docket No. ST90–1484.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. Mississippi River Transmission Corporation

[Docket No. CP90–760–000]

February 14, 1990.

Take notice that on February 12, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90–760–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of World Color Press (World Color), an end user of natural gas, under MRT's blanket certificate issued in Docket No. CP89–1121–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

MRT proposes to transport, on an interruptible basis, up to 920 MMBtu of natural gas per day for World Color. MRT states that construction of facilities would not be required to provide the proposed service.

MRT further states that the maximum day, average day, and annual transportation volumes would be approximately 920 MMBtu, 447 MMBtu, and 163,333 MMBtu respectively.

MRT advises that service under § 284.223(a) commenced December 22, 1989, as reported in Docket No. ST90–1496.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

11. Southern Natural Gas Company

[Docket No. CP90–749–000]

February 14, 1990.

Take notice that on February 9, 1990, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP90–749–000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Entrade Corporation (Entrade), a marketer, under its blanket certificate issued in Docket No. CP88–316–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that the maximum daily, average daily, and annual quantities that it would transport for Entrade would be 100,000 MMBtu equivalent of natural gas, 20,000 MMBtu equivalent of natural gas, and 7,300,000 MMBtu equivalent of natural gas, respectively.

Southern states that it would transport natural gas for Entrade from various receipt points in Louisiana, offshore Louisiana, Texas, offshore Texas, Mississippi and Alabama to various delivery points in Louisiana.

Southern indicates that in a filing made with the Commission in Docket ST90–1256, it reported that transportation service for Entrade commenced on December 16, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

12. Natural Gas Pipeline Company of America

[Docket No. CP90–765–000]

February 15, 1990.

Take notice that on February 13, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–765–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for MidCon Marketing Corp. (MidCon), a marketer, under the blanket certificate issued in Docket No. CP86–582–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Natural states that pursuant to a transportation service agreement dated December 13, 1989, under its Rate Schedule ITS, it proposes to transport up to 300,000 MMBtu per day equivalent of natural gas for MidCon. Natural states that it would transport the gas (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS) from receipt points located in New Mexico, Texas, offshore Texas, Oklahoma, Louisiana, offshore Louisiana, Illinois, Colorado, Arkansas, Montana, Kansas and Wyoming, and would deliver the gas to delivery points located in Illinois, Texas, offshore Texas, Louisiana, offshore Louisiana, Colorado, New Mexico and Oklahoma.

Natural advises that service under § 284.223(a) commenced December 17, 1989, as reported in Docket No. ST90–1848 (filed February 13, 1990). It is stated that 75,000 MMBtu would be transported on an average day and 27,375,000 MMBtu annually.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

13. El Paso Natural Gas Company

[Docket No. CP90–764–000]

February 15, 1990.

Take notice that on February 13, 1990, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–764–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Marathon Oil Company (Marathon), a producer, under the blanket certificate issued in Docket No. CP88–433–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that pursuant to a transportation service agreement dated July 27, 1989, under its Rate Schedule T–1, it proposes to transport up to 123,600 MMBtu per day equivalent of natural gas for Marathon. El Paso states that it would transport the gas from any receipt point on its system, as provided in Exhibit "A" of the transportation agreement, and would deliver the gas to delivery points at the borderline between the States of Arizona and Nevada; at the borderline between the States of Arizona and California; and in the States of New Mexico, Oklahoma and Texas.

El Paso advises that service under § 284.223(a) commenced January 17, 1990, as reported in Docket No. ST90–1742. El Paso further advises that it would transport 123,600 MMBtu on an average day and 45,114,000 MMBtu annually.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

14. KN Energy, Inc.

[Docket No. CP90–754–000]

February 16, 1990.

Take notice that on February 12, 1990, KN Energy, Inc. (KN), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP90–754–000 a request pursuant to §§ 157.205 and 284.223 of the Commision's Regulations under the Natural Gas Act (18 CFR 157.205(b) and 284.223(c)) for authorization to provide an interruptible transportation service for Vesta Energy Company (Vesta) under KN's blanket certificate issued in Docket No. CP89–1043–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

KN requests authorization to transport a maximum daily quantity of 50,000 Mcf for Vesta with estimated annual and average daily quantities of 18,250,000 Mcf and 50,000 Mcf, respectively. KN states that it would receive the gas at all points on the Buffalo Wallow System and redeliver the gas at a point in Hemphill County, Texas.

KN states that transportation service for Vesta commenced January 1, 1990, under the 120-day automatic authorization provision of § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90–1518–000.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

15. Mississippi River Transmission Corporation

[CP90–762–000]

February 16, 1990.

Take notice that on February 12, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed a request with the Commission in Docket No. CP90–762–000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas on behalf of Entrade Corporation (Entrade), a natural gas marketer, under the blanket certificate issued in Docket No. CP89–1121–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

MRT proposes an interruptible natural gas transportation service of up to 25,000 MMBtu equivalent on peak and average days, and 9,125,000 MMBtu equivalent annually for Entrade. MRT would receive gas at various Arkansas, Illinois, Louisiana, and Texas receipt points and deliver the gas for Entrade's account at various Illinois delivery points. MRT states it commenced transporting natural gas for Entrade on December 21, 1989, under § 284.223(a) of the Regulations, as reported in Docket No. ST90–1499.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

16. Mississippi River Transmission

[Docket No. CP90–759–000]

February 16, 1990.

Take notice that on February 12, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124 filed in Docket No. CP90–759–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Houston Gas Exchange Corporation (HGEC), a marketer of natural gas, under MRT's blanket certificate issued in Docket No. CP89–1121–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT requests authorization to transport, on an interruptible basis, up to a maximum of 25,000 MMBtu of natural gas per day for HGEC from receipt points located in Texas, Louisiana, Arkansas and Illinois to delivery points located in Missouri and Illinois. MRT anticipates transporting 25,000 MMBtu on an average day and an annual volume of 9,125,000 MMBtu.

MRT states that the transportation of natural gas for HGEC commenced December 20, 1989, as reported in Docket No. ST90–1495–000, for a 120–day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to MRT in Docket No. CP89–1121–000.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

17. Texas Eastern Transmission Corporation

[Docket No. CP90–771–000]

February 16, 1990.

Take notice that on February 14, 1989, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252–2521, filed in Docket No. CP90–771–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 18 CFR 284.223) for authorization to provide an interruptible transportation service for Coastal Gas Marketing Company (Coastal), a marketer of natural gas, under Texas Eastern's blanket certificate granted by the Commission at Docket No. CP88–136–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Texas Eastern states that pursuant to a transportation agreement dated September 19, 1989, under its Rate Schedule IT–1, it proposes to transport up to 340,560 MMBtu of natural gas per day on an interruptible basis on behalf of Coastal. It is indicated that the agreement provides for Texas Eastern to receive gas from various receipt points in the States of Mississippi, Louisiana, Arkansas, Texas, New Jersey, Pennsylvania, Indiana, and offshore Louisiana. Texas Eastern further states that it would then transport and redeliver subject gas, less applicable shrinkage, to various existing delivery points in the States of Louisiana, Texas, Mississippi, Indiana, Pennsylvania, and offshore Louisiana.

Further, Texas Eastern indicates that the estimated daily and estimated annual quantities to be transported would be 340,560 MMBtu and 124,304,400 MMBtu, respectively. It is also stated that service under § 284.223(a) commenced on November 2, 1989, as reported in Docket No. ST90–960–000.

Comment date: April 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

18. Sonat Marketing Company, et al.

[Docket No. CI86–503–004, et al.]

February 16, 1990.

Take notice that each Applicant listed herein has filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1990, to extend such authorization for the term specified in the Appendix and to include additional authorization as noted in the Appendix hereto, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Note.—this notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No.	Date filed	Applicant
CI86–503–004 [1]	2–13–90	Sonat Marketing Company, P.O. Box 2563, Birmingham, Alabama 35202–2563.
CI87–786–004 [2]	2–14–90	Val Gas, L.P., c/o Val Gas Company, 530 McCullough Avenue, San Antonio, Texas 78215.
CI87–825–005 [2]	2–14–90	V.H.C. Gas Systems, L.P., c/o V.H.C. Gas Systems Company, 530 McCullough Avenue, San Antonio, Texas 78215.
CI89–7–003 [3]	2–14–90	Pacific Atlantic Marketing Inc., P.O. Box 1188, Houston, Texas 77251–1188.

[1] Applicant requests that its certificate be extended for an unlimited term.

[2] Applicant requests that its certificate be extended for one year and amended to authorize sales for resale of all gas including imported liquified natural gas, gas imported from Canada and Mexico and gas sold by interstate pipelines under blanket certificates authorizing interruptible sales of surplus system supply.

[3] Applicant requests that its certificate be extended for an unlimited term and amended to authorize sales for resale of ISS, LNG and Canadian gas and to delete the condition that the certificate is subject to the outcome of Docket No. RM87–5.

Comment date: March 5, 1990 in accordance with Standard Paragraph J at the end of the notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall

be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance wit the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4346 Filed 2-26-90; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10542-002 New Mexico]

Caballo Hydro Associates; Surrender of Preliminary Permit

February 20, 1990.

Take notice that Caballo Hydro Associates, Permittee for the Caballo Hydro Project No. 10542, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 10542 was issued July 22, 1988, and would have expired June 30, 1991. The project would have been located at the Bureau of Reclamation Caballo Dam on the Rio Grand River in Sierra County, New Mexico.

The Permittee filed the request on February 2, 1990, and the preliminary permit for Project No. 10542 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4325 Filed 2-26-90; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Title: South Europe/U.S.A. Pool Agreement.

Parties:

Compania Trasatlantica Espanola, S.A.
Costa Container Line, A Division of Contship Containerlines Limited.
Evergreen Marine Corporation (Taiwan) Ltd.
Farrell Lines, Inc.
"Italia" di Navigazione, S.p.A.
Jugolinija.
Lykes Lines (Lykes Bros. Steamship Co., Inc.).
A.P. Moller-Maersk Line.
Nedlloyd Lines (Nedlloyd Lijnen B.V.).
P & O Containers (TFL) Ltd.
Sea-Land Service, Inc.
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would delete Jugolinija as a party to the Agreement, effective March 31, 1990.

By Order of the Federal Maritime Commission.

Dated: February 21, 1990.

Joseph C. Polking

Secretary.

[FR Doc. 90-4329 Filed 2-26-90; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Title: Sea-Land Service, Inc./Sea-Shuttle, Inc. Terminal Agreement.

Parties:

Sea-Land Service, Inc. (Sea-Land).
Sea-Shuttle, Inc. (Sea-Shuttle).

Synopsis: The Agreement provides that Sea-Land will perform container terminal services for Sea-Shuttle at Sea-Land's container terminal at Elizabeth Port, New Jersey. Sea-Land's charges for its terminal services are set forth in a schedule as part of the Agreement.

By Order of the Federal Maritime Commission.

Dated: February 21, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-4330 Filed 2-26-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of the membership of the Performance Review Board of the Federal Mediation and Conciliation Service. The following persons were appointed to the Board.

Charles R. Barns, Executive Director, National Mediation Board—Chairman
John Trussdale, Executive Secretary, National Labor Relations Board—Member
M. D. Nossaman, Assistant General Counsel, Federal Labor Relations Authority—Member

Dated: February 21, 1990.

Robert P. Baker,

Acting Director.

[FR Doc. 90-4420 Filed 2-26-90; 8:45 am]

BILLING CODE 6392-71-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 21, 1990.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be received within ten calendar days of the date of publication in the **Federal Register.**

ADDRESSES: Comments, which should refer to the OMB Docket number, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m. except as provided in section 261(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB Desk Officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the request for clearance (SF 83), supporting statement, and other documents that will be placed into OMB's public docket files upon approval may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3822).

Proposal To Approve Under OMB Delegated Authority the Implementation of Two One-Time Surveys

1. *Report title:* 1990 Quinquennial Survey of Finance Companies.
Agency form numbers: FR 3033p and FR 3033s.
OMB Docket number: 7100–0246.
Frequency: One-time.
Reporters: Finance companies.
Annual reporting hours: 1,735.
Estimated average hours per response: 15 minutes for the FR 3033p and 1.6 hours for the FR 3033s.
Number of Respondents: 3,100 for the FR 3033p and 600 for the FR 3033s Small businesses are affected.

General Description of Report

This information collection is voluntary (12 U.S.C. 225(a), 263, and 353–359) and is given confidential treatment (15 U.S.C. 552(b)(4)).

Since 1955 the Federal Reserve has conducted surveys of domestic finance companies every five years to establish timely benchmark data for regularly published series on consumer and business credit and on major assets and liabilities of finance companies. The FR 3033p is a one-page questionnaire. The FR 3033s consists of instructions and a two-page form on which finance companies are asked to provide detailed balance sheet information.

Board of Governors of the Federal Reserve System, February 21, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90–4375 Filed 2–26–90; 8:45 am]

BILLING CODE 6210–01–M

Mid-Wisconsin Financial Services, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.25) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in action on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than March 19, 1990.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Mid-Wisconsin Financial Services, Inc.*, Medford, Wisconsin; to acquire 100 percent of the voting shares of North Holding Company, Inc., Neilsville, Wisconsin, and thereby indirectly acquire Neilsville Bank, Neilsville, Wisconin.

Board of Governors of the Federal Reserve System, February 21, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–4373 Filed 2–26–90; 8:45 am]

BILLING CODE 6210–01–M

Randall Porter, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 13, 1990.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 100 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Randall Porter,* Alpharetta, Georgia; to acquire an additional 4.08 percent of the voting shares of First Colony Bancshares, Inc., Alpharetta, Georgia,

for a total of 15 percent, and thereby indirectly acquire First Colony Bank, Alpharetta, Georgia.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Mary Jane Redding Revocable Trust* and Gladden A. Redding Revocable Trust; to each retain 22.9 percent of the voting shares of Windom State Investment Company, Windom, Minnesota, and thereby indirectly acquire Windom State Bank, Windom, Minnesota.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Jim P. Meadows*, Houston, Texas; to acquire 34.97 percent of the voting shares of Houston Bancorporation, Inc., Houston, Texas, and thereby indirectly acquire Citizens National Bank, Harris County, Texas.

Board of Governors of the Federal Reserve System, February 21, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-4374 Filed 2-26-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Voting Members on Public Advisory Committee or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting memberts to serve on certain public advisory committees or panels in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and those that will or may occur during the next 18 monts. FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically-handicapped candidates.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESSES: All nominations and curricula vitae for the medical devices panels shall be sent to Gordon C. Johnson, Center for Devices and Radiological Health (HFZ-70), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850.

All nominations and curricula vitae for the Device Good Manufacturing Practice Advisory Committee shall be sent to Sharon Kalokerinos, Center for Devices and Radiological Health (HFZ-332), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850. All nominations and curricula vitae for the Technical Electronic Product Radiation Safety Standards Committee shall be sent to Arlene Underdonk, Center for Devices and Radiological Health (HFZ-83), Food and Drug Administration, 12720 Twinbrook Pkwy., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kay Levin, Center for Devices and Radiological Health (HFZ-20), Food and Drug Administration, 12720 Twinbrook Pkwy., Rockville, MD 20857, 301-443-4016.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of voting members for vacancies listed below. If specific expertise is not indicated, individuals should have expertise relevant to the field of activity of the committee or panel.

1. Anesthesiology and Respiratory Therapy Devices Panel: Four vacancies immediately; anesthesiologists with expertise in microprocessor control devices and use of software in anesthesiology; clinicians/researchers with demonstrated experience in the treatment of respiratory disorders with an emphasis on neonatal/pediatric problems and some work experience with new (experimental) therapies including high frequency ventilation and/or extracorporeal membrane oxygenation.

2. Clinical Chemistry and Clinical Toxicology Devices Panel: One vacancy occurring February 28, 1991; doctor of medicine or philosophy experienced with clinical chemistry, clinical toxicology, therapeutic drug monitoring, or genetic disease diagnostic devices.

3. Dental Products Panel: One vacancy immediately, two vacancies occurring October 31, 1990; individuals with expertise in dental devices, materials, or oral microbiology.

4. Device Good Manufacturing Practice Advisory Committee: Two vacancies occurring May 31, 1991; one health professional employed in the human health care area and one representative from Federal, State, or local government. Areas of committee interest include quality assurance in manufacturing of medical devices to include application of the current good manufacturing practice (CGMP) regulation to the production of computerized devices and in vitro diagnostics and problems associated with the use of medical devices.

5. Ear, Nose, and Throat Devices Panel: One vacancy immediately, one vacancy occurring October 31, 1990; audiologist or otolaryngologist with knowledge in cochlear implants' biostatistician or statistician with experience in otology or toxicologist.

6. Gastroenterology-Urology Devices Panel: Two vacancies immediately; interventional radiologist; nephrologist; lithotripsy specialist; clinician/biomedical engineer with experience in membrane transport and hemodialysis or other extracorporeal therapy or immunologist.

7. General and Plastic Surgery Devices Panel: Two vacancies immediately, two vacancies occurring August 31, 1990; general surgeons with strong academic and clinical research orientation.

8. General Hospital and Personal Use Devices Panel: Two vacancies immediately; clinical/biomedical engineer; surgical oncologist with experience in the use of various drug infusion regimens; general surgeon; internist or general practitioner.

9. Hematology and Pathology Devices Panel: One vacancy occurring February 28, 1990, two vacancies occurring February 28, 1991; individuals involved in the practice of medicine or clinical laboratory science familiar with clinical hematology and biotechnology.

10. Immunology Devices Panel: One vacancy immediately, one vacancy occurring February 28, 1990, two vacancies occuring February 28, 1991; immunologists with experience in allergies; medical oncologists with experience in tumor diagnosis and treatment.

11. Microbiology Devices Panel: Two vacancies occurring February 28, 1990, one vacancy occurring February 28, 1991; disease clinicians; individuals with expertise in antimicrobial susceptibility testing devices, and/or virology testing devices, and/or biotechnology.

12. Neurological Devices Panel: One vacancy occurring November 30, 1990; neurosurgeon.

13. Obstetrics-Gynecology Devices Panel: Two vacancies occurring January 31, 1991; individuals with expertise in obstetrics and/or gynecology and, in particular, individuals with skills in gynecologic surgery.

14. Ophthalmic Devices Panel: Three vacancies immediately, one vacancy occurring October 31, 1990; ophthalmologists and optometrists.

15. Orthopedic and Rehabilitation Devices Panel: Two vacancies occurring August 31, 1990; orthopedic surgeons with exertise in joint structure and function, prosthetic ligament devices, or joint biomechanics and implants, or biomaterials engineers.

16. Radiologic Devices Panel: One vacancy immediately, three vacancies occurring January 31, 1991; radiologist; radiation oncologist; oncologist who is an expert in hyperthermia; and hyperthermia specialist.

17. Technical Electronic Product Radiation Safety Standards Committee: Two vacancies occurring December 31, 1990; two members from a government agency, including State or Federal government (see paragraph below regarding qualifications).

I. Functions

A. Medical Devices Panels

The functions of the medical devices panels are to: (1) Review and evaluate available data concerning the safety and effectiveness of medical devices currently in use; (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories; (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; (4) advise on any possible risks to health associated with the use of devices; (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; (6) review classification of devices to recommend changes in classification as appropriate; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (8) advise on the necessity to ban a device; and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

The Dental Products Panel will function at times as a nonprescription drug advisory panel. As such, the panel reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of various currently marketed nonprescription drug products for human use, the adequacy of their labeling, and advises the Commissioner of Food and Drugs on the promulgation of monographs establishing conditions under which these drugs are generally recognized as safe and effective and not misbranded. The panel also evaluates and recommends whether various prescription drug products should be changed to over-the-counter status. The panel also evaluates data and makes recommendations concerning the approval of new drug products for human use.

B. Device Good Manufacturing Practice Advisory Committee

The function of the Device Good Manufacturing practice Advisory Committee is to review regulations for promulgation regarding CGMP governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and make recommendations regarding the feasibility and reasonableness of those proposed regulations. The committee also reviews and makes recommendations on proposed guidelines (e.g., Guideline on General Principles of Process Validation) developed to assist the medical device industry in meeting the CGMP requirements and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from CGMP regulations.

C. Technical Electronic Product Radiation Safety Standards Committee

The function of the Technical Electronic Product Radiation Safety Standards Committee is to provide advice and consultation on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products. The committee may recommend electronic product radiation safety standards for consideration.

II. Qualifications

A. Medical Devices Panels

Persons nominated for membership on the medical devices panels shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological, and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are shown above. The term of office is between 3 and 4 years, depending on the appointment date.

B. Device Good Manufacturing Practice Advisory Committee

Persons nominated for membership on the Device Good Manufacturing Practice Advisory Committee should have expertise in any one or more of the following areas: quality assurance concerning manufacturing of medical devices, and/or sterilization of medical devices during the manufacturing process. In addition, nominees should have experience with the use and application of medical devices. The particular needs for this committee are shown above. The term of office is between 3 and 4 years, depending on the appointment date.

C. Technical Electronic Product Radiation Safety Standards Committee

Persons nominated for the Technical Electronic Product Radiation Safety Standards Committee must be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. The particular needs for this committee are identified above. The term of office is between 3 and 4 years, depending on the appointment date.

III. Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees or panels. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible source of conflict of interest.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2) and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: February 20, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-4391 Filed 2-26-90; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Board of Tea Experts

Date, time, and place. March 22 and 23, 1990, 10 a.m., Rm. 700, 850 Third Ave., Brooklyn, NY.

Type of meeting and contact person. Open public hearing, March 22, 1990, 10 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 4:30 p.m.; open committee discussion, March 23, 1990, 10 a.m. to 4:30 p.m.; Robert H. Dick, New York Regional Laboratory, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212-965-5739.

General function of the committee. The committee advises on the establishment of uniform standards of purity, quality, and fitness for consumption of all teas imported into the United States under 21 U.S.C. 42.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss and select tea standards.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. March 26, 1990, 9 a.m., and March 27, 1990, 8 a.m., Conference Rms. D and E, Parklawn Bldg., Rockville, MD.

Type of meeting and contact person. Open public hearing, March 26, 1990, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, March 27, 1990, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 4 p.m.; John R. Short, Center for Drug Evaluation and Research (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3510.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 12, 1990, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 26, 1990, the committee will discuss the treatment of precocious puberty with luteinizing hormone releasing hormone (LHRH) analogues (new drug applications for luprolide and histrelin). On March 27, 1990, the committee will discuss the alleged occurrence of hypoglycemia unawareness when diabetics are treated with human insulin.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, Rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: February 20, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-4393 Filed 2-26-90; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Cancer Institute; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting, of the Subcommittee on Cancer Centers, National Cancer Advisory Board, National Cancer Institute, National Institutes of Health on March 1, 1990, 6130 Executive Boulevard, Executive Plaza North, Conference Room G, Rockville, MD 20852.

This meeting will be open to the public from 10 a.m. to 4 p.m. to discuss the 5-year Plan on Cancer Centers. Attendance by the public will be limited to space available.

The meeting will be closed to the public from 9 a.m. to 10 a.m. in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6) title 5, U.S.C. and sec. 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred J. Lumsden, Committee Management Officer, National Cancer Institute, 9000 Rockville Pike, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892, (301/496-5708), will provide a summary of the meeting and rosters of the Board members, upon request.

Other information pertaining to this meeting can be obtained from the Executive Secretary, Dr. Brian Kimes, National Cancer Institute, National Institutes of Health, Executive Plaza-North, Room 300, Bethesda, Maryland 20892 (301-496-8537), upon request.

This notice is being published less than 15 days prior to the meeting because of the difficulty of coordinating the attendance of members due to unforeseen conflicting schedules.

Dated: February 15, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-4312 Filed 2-26-90; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Board of Scientific Counselors' Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina on March 13 and 14, 1990.

The meeting will be open to the public from 8:45 a.m. until adjournment on March 13. The preliminary agenda with *approximate* times are as follows:

Review of Experimental Toxicology Branch (ETB), Division of Toxicology Research and Testing, NIEHS

8:45 a.m.-9:30 a.m.—Introduction and Overview of Objectives and Purposes of the ETB

9:30 a.m.-11:30 a.m.—Descriptions of Objectives and Activities for ETB Work Groups in Chemical Disposition, Clinical Pathology, General Toxicology, In Vitro Toxicity, and Toxicologic Pathology

12:30 p.m.-2:00 p.m.—ETB Poster Session

2:00 p.m.-4:00 p.m.—Scientific Presentation on Selected ETB Research Projects

4:00 p.m.-5:00 p.m.—General Discussion and Concluding Remarks.

In accordance with the provisions set forth in section 552b(c)(6) title 5 U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 14 from 8:45 a.m. to 2:15 p.m. for further evaluation of research activities in the NIEHS Experimental Toxicology Branch, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The meeting on March 14 will be open to the public from 2:30 p.m. to 4:00 p.m. The preliminary agenda is as follows:

Review of Chemicals Nominated for NTP Studies. Nine chemicals will be reviewed. Seven of the chemicals were evaluated by the NTP Chemical Evaluation Committee (CEC) on January 24, 1990, and are (with CAS Nos. in parentheses): (1) Bisphenol A Diglycidyl Ether (1675-54-3); (2) 2-Bromo-2-nitropropane-1,3-diol (52-51-7); (3) C. I. Acid Red 97 (10169-02-5); (4) C. I. Acid Red 111 (6358-57-2); (5) C. I. Basic Brown 1 (1052-38-6); (6) C. I. Basic Brown 2 (6358-83-4); and (7) C. I. Direct Black 80 (8003-69-8). Two of the chemicals were evaluated by the CEC on August 2, 1989, reviewed by the Board on November 30, 1989, and deferred so that further information could be obtained. The chemicals are: (1) p-Amino-benzoic Acid (150-13-0) and (2) Elmiron (37319-17-8).

The Executive Secretary, Dr. Larry G. Hart, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3971, FTS 629-3971, will have available a roster of Board members and expert consultants and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: February 6, 1990.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 90-4313 Filed 2-26-90; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program Board of Scientific Counselors Meetings; Draft Technical Reports Projected for Public Peer Review From April 1990 Through October 1991

To inform the public earlier and allow interested parties to comment or obtain information on long-term toxicology and carcinogenesis studies and short-term toxicity studies prior to public peer review, the National Toxicology Program (NTP) again publishes in the Federal Register a current listing of draft Technical Reports projected for evaluation by the Peer Review Panel during their next six meetings from April 1990 through October 1991. The listing will continue to be updated with announcements in the Federal Register approximately twice a year. The meeting dates for 1990 are April 25-26, July 10-11, and November 19-20. Specific dates for the 1991 meetings will be established at a later time.

The attachment gives draft Technical Reports of studies on chemicals listed alphabetically within known or estimated dates of reviews and includes Chemical Abstracts Service registry numbers, responsible staff scientists with telephone numbers, NTP report numbers (if assigned), primary use(s), species, route of administration, and exposure levels used.

Those interested in having more information about any of the studies listed in this announcement, or wanting to provide input, should contact the particular NTP staff scientist as early as possible by telephone or by mail to:

NIEHS, P.O. Box 12233, Research Triangle Park (RTP), North Carolina 27709. The staff scientists would welcome receiving toxicology and carcinogenesis data from completed, ongoing or planned studies by others as well as current production data, human exposure information, and use patterns.

The Executive Secretary, Dr. Larry G. Hart, NTP, P.O. Box 12233, RTP, North Carolina 27709, telephone (919–541–3971), FTS (629–3971), will furnish final agendas, and other program information prior to a meeting, and summary minutes subsequent to a meeting.

Attachment

Dated: February 20, 1990.

David P. Rall,

Director, National Toxicology Program.

NTP TOXICOLOGY AND CARCINOGENESIS STUDIES, CHEMICALS PROJECTED FOR PEER REVIEW

Chemical Name/CAS No.	Use	Study scientist	Route	Species	Exposure levels	NTP TR No.
Chemicals tentatively scheduled for peer review 04/90						
Long-term studies:						
3,3'-dimethylbenzidine dihydrochloride, 612–82–8.	Dye	D. Morgan, 919–541–2264	Water	R	R: 0, 30, 70, 150 ppm (70, 45, 75, 70 per group respectively).	390
Methyl bromide, 74–83–9	Fume	R. Yang, 919–541–2947	Inhal	M	Mice only: 0, 10, 33, 100 ppm	385
Sodium azide 26628–22–8	Phar	K. Abdo, 919–541–7819	Gav	R	Rats only: 0, 5, 10, mg/kg/60 per group	389
Sodium fluoride, 7681–49–4	Phar	J. Bucher, 919–541–4532	Water	RM	R&M: 0, 25, 100, 175 ppm	393
Tris(2-chloroethyl) phosphate, 115–96–8	Flam	H. Matthews, 919–541–3252	Gav	RM	R: 0, 44, 88, M: 0, 175, 350 mg/kg/60 per group.	391
Chemicals tentatively scheduled for peer review 07/90						
Long-term studies:						
Chloramine, 10599–90–3	Germ	J. Dunnick, 919–541–4811	Water	RM	Chloramine 0, 50, 100, 200 ppm/buff'd chlorine H20 0, 70, 140, 275 ppm/60 per group.	
Chlorine, 7782–50–5	Intr	J. Dunnick, 919–541–4811	Water	RM	70, 140, 275 ppm	
C.I. direct blue 15, 2429–74–5	Dye	J. Dunnick, 919–541–4811	Water	R	R: 0, 630, 1250, 2500 ppm (70, 45, 75, 70 per group respectively).	
2,4-diaminophenol dihydrochloride, 137–09–7.	Phot	R. Irwin, 919–541–3340	Gav	RM	R: 0, 12.5, 25, M: 0, 19, 38 mg/kg/60 per group.	
2,3-dibromo-1-propanol, 96–13–9	Flam	R. Melnick, 919–541–4142	SP	RM	R: 0, 188, 375, M: 0, 88, 177 mg/kg/50 per group.	
Furan, 110–00–9	Intr	R. Irwin, 919–541–3340	Gav	RM	R: 0, 2, 4, 8, M: 0, 8, 15 mg/kg/50 per group.	
4-hydroxyacetanilide, 103–90–2	Phar	R. Irwin, 919–541–3340	Feed	RM	R&M: 0, .06, .3, .6%/60 per group	
Monochloroacetic acid, 79–11–8	Dye	R. Melnick, 919–541–4142	Gav	RM	R: 0, 15, 30; M: 0, 50, 100 mg/kg/70 & 60 per group.	
Probenecid, 57–66–9	Phar	R. Melnick, 919–541–4142	Gav	RM	R&M: 0, 100, 400 mg/kg/50 per group	
Short-term toxicity studies:						
Tert-butyl perbenzoate, 614–45–9	Plas	H. Matthews, 919–541–3252	Gav	RM	0, 30, 60, 125, 250, 500 mg/kg	
Castor oil, 8001–79–4	Phar	R. Irwin, 919–541–3340	Feed	RM	R&M: 0, .62, 1.25, 2.5, 5.0, 10.0%	
Cresol (mixed isomers), 1319–77–3	Germ	D. Dietz, 919–541–2271	Feed	RM	R&M: 0, .03, .1, .3, 1.0, 3.0%	
O-cresol, 95–48–7	Germ	D. Dietz, 919–541–2272	Feed	RM	R&M: 0, .03, .1, .3, 1.0, 3.0%	
Diethanolamine, 111–42–2	Texl	R. Melnick, 919–541–4142	SP	RM	R&M: 0, 37.5, 75, 300, 600 mg/ml	
Diethanolamine, 111–42–2	Texl	R. Melnick, 919–541–4142	Water	RM	MR: 0, .32, .63, 1.25, 2.5, 5.0, mg/ml, FR: 0, .16, .32, .63, 1.25, 2.5 mg/ml, MICE: 0, .63, 1.25, 2.5, 5.0, 10.0 mg/ml.	
Ethylbenzene, 100–41–4	Rubr	P. Chan, 919–541–7561	Inhal	RM	R&M: 0, 100, 250, 500, 750, 1000 ppm	
Chemicals tentatively scheduled for peer review 11/90						
Long-term studies:						
Gamma-butyrolactone, 96–48–0	Intr	K. Abdo, 919–541–7819	Gav	RM	MR: 0, 112, 225, FR: 0, 225, 450, M: 0, 262, 525 mg/kg/50 per group.	
C.I. acid red 114, 6459–94–5	Dye	R. Melnick, 919–541–4142	Water	R	MR: 0, 70, 150, 300, FR: 0, 150, 300, 600 ppm (70, 45, 75, 70 per group respectively).	
C.I. pigment red 3, 2425–85–6	Dye	K. Abdo, 919–541–7819	Feed	RM	R: 0, 6000, 12500, 25000; M: 0, 12500, 25000, 50000 ppm (60 per group).	
Diphenylhydantoin (phenytoin), 57–41–0	Phar	R. Chhabra, 919–541–3386	Feed	RM	R: 0, 240, 800, 2400, MM: 0, 30, 100, 300, FM: 0, 60, 200, 600 ppm/50 per group.	
Naphthalene, 91–20–3	Intr	K. Abdo, 919–541–7819	Inhal	M	0, 10, 30, 30 ppm/50 per group	
Polybrominated biphenyl mixture (firemaster FF–1), 67774–32–7.	Flam	R. Chhabra, 919–541–3386	Feed	RM	0, 1, 3, 10, 30 ppm/50 per group	
Quercetin, 117–39–5	Phar	J. Dunnick, 919–541–4811	Feed	R	Rats only: 0, 1000, 10000, 40000 ppm/50 per group.	
Resorcinol, 108–46–3	Phar	R. Irwin, 919–541–3340	Gav	RM	MR&M: 0, 112, 225, FR: 0, 50, 100, 150 mg/kg/60 per group.	
Titanocene dichloride, 1271–19–8	Labc	J. Dunnick, 919–541–4811	Gav	R	Rats only: 0, 25, 50 mg/kg/80 per group	
Short-term toxicity studies:						
2-(4-aminophenyl)-6-methyl-7-benzothiazole, sulfonic acid.	Intr	J. Bucher, 919–541–4532	Feed	RM	R&M: 0, .25, .5, 1.0, 2.0, 4.0%	
Antimony potassium tartrate, 28300–74–5.	Pest	M. Dieter, 919–541–3368	IP/IJ	RM	R&M: 0, 1.5, 3, 6, 12, 24 mg/kg/30 per group.	

NTP TOXICOLOGY AND CARCINOGENESIS STUDIES, CHEMICALS PROJECTED FOR PEER REVIEW—Continued

Chemical Name/CAS No.	Use	Study scientist	Route	Species	Exposure levels	NTP TR No.
5,6-dichloro-2-benzothiazolamine, 24072-75-1.	Intr	J. Bucher, 919-541-4532	Feed	RM	R: 0.0, 0.15, 0.38, 0.96, 2.4, 6.0, M: 0, 0.075, 0.15, 0.38, 0.96, 2.4 mg/g.	
Glyphosate, 1071-83-6	Herb	P. Chan, 919-541-7561	Feed	RM	R&M: 0, 3125, 6250, 12500, 25000, 50000 ppm/10 per group.	
1,6-hexanediamine, dihydrochloride, 6055-52-3.	Intr	J. French, 919-541-7790	Inhal	RM	R&M: 0, 1.6, 5, 16, 50, 160 mg/m3	
2-hydroxy-4-methoxygbenzophenone, 131-57-7.	Phar	H. Matthews, 919-541-3252	Feed	RM	R&M: 0, 3125, 6250, 12500, 25000, 50000 ppm.	
2-hydroxy-4-methoxygbenzophenone, 131-57-7.	Phar	H. Matthews, 919-541-3252	SP	RM	R: 0, 12.5, 25, 50, 100, 200; M: 0, 22, 75, 45.5, 91, 182, 364 mg/kg.	
2-mercaptobenzimidazole, 583-39-1	Rubr	K. Abdo, 919-541-7819	Inhal	RM	R&M: 0, 3.13, 6.25, 12.5, 25, 50 mg/m3	
6-methoxy-2-benzothiazolamine, 1747-60-0.	Intr	J. Bucher, 919-541-4532	Feed	RM	0, .25, 4.0 mg/gm	
4-(6-methyl-2-benzothiazolyl)-benzenamine, 92-36-4.	Intr	J. Bucher, 919-541-4532	Feed	RM	R: 0, .00625, .0125, .025, .05, .1%, M: 0, .0125, .025, .05, .01, .2%.	
3-methyl-6-methoxy-2-amino-benzothiazolium, chloride.	Intr	F. Kari, 919-541-2926	Feed	RM	R: 0, 1000, 2000, 4000, 8000, 16000; M: 0, 3212, 6250, 12500, 25000, 55000 ppm.	
Chemicals tentatively scheduled for peer review 02/91						
Long-term studies:						
1-amino-2,4-dibromoanthraquinone, 81-49-2.	Dye	J. Huff, 919-541-3780	Feed	RM	R: 0, .2, .5, 1.0, 2.0, M: 0, 1.0, 2.0 %/50 per group.	
O-benzyl-p-chlorophenol, 120-32-1	Germ	R. Melnick, 919-541-4142	SP	M	Acetone control, DMBA/DMBA, DMBA/acetone, DMBA/TPA, DMBA/BCP (1, 10, 30 mg/ml), TPA/TPA, BCP (100)/TPA, BCP/BCP, BCP (10)/BCP (1, 10, 30).	
O-benzyl-p-chlorophenol, 120-32-1	Germ	R. Melnick, 919-541-4142	Gav	RM	MR: 0, 30, 60, 120, FR: 0, 60, 120, 240, M: 0, 120, 240, 480 mg/kg/50 per group.	
C.I. pigment red 23, 6471-49-4	Dye	S. Eustis, 919-541-3231	Feed	RM	R&M: 0, 10000, 25000, 50000 ppm (60 per group).	
Coumarin, 91-64-5	Phar	J. Dunnick, 919-541-4811	Gav	RM	R: 0, 25, 50, 100; M: 0, 50, 100, 200 mg/kg/60 & 70 per group respectively.	
4,4'-diamino-2,2'-stilbenedisulfonic acid, 81-11-8.	Dye	K. Abdo, 919-541-7819	Feed	RM	R: 0, 12500, 25000, M: 0, 6250, 12500 ppm/60 per group.	
3,4-dihydrocoumarin, 119-84-6	Food	J. Dunnick, 919-541-4811	Gav	RM	R: 0, 150, 300, 600, M: 0, 200, 400, 800 mg/kg/50 per group.	
Mercuric chloride, 7487-94-7	Wood	R. Melnick, 919-541-4142	Gav	RM	R: 0, 2.5, 5, M: 0, 5, 10 mg/kg/60 per group.	
Talc, 14807-96-6	Cosm	T. Goehl, 919-541-7961	Inhal	RM	0, 6, 18 mg of Talc/m3 of atmosphere	
Short-term toxicity studies:						
Black newsprint ink, EMTDP-75	Dye	W. Eastin, 919-541-7941	SP	RM	R&M: Untreated controls & neat application with USP mineral oil, printing ink mineral oil, letter press ink, & offset ink.	
Ethylene glycol monobutyl ether (EGMBE), 111-76-2.	Solv	G. Henningsen, 513-533-8194	Water	RM	Core study: R&M: 0, 750, 1500, 3000, 4500, 6000 ppm/10 per group; Stop study: R: 0, 1500, 3000, 6000 ppm/30 per group.	
Ethylene glycol monoethyl ether (EGMEE), 110-80-5.	Solv	G. Henningsen, 513-533-8194	Water	RM	Core study: R: 0, 1250, 2500, 5000, 10000, 20000, M: 2500, 5000, 10000, 20000, 40000 ppm/10 per group; Stop study: R: 0, 5000, 10000, 20000 ppm/30 per group.	
Ethylene glycol monomethyl ether (EGMME), 109-86-4.	Fuel	G. Henningsen, 513-533-8194	Water	RM	Core study: R: 0, 750, 1500, 3000, 4500, 6000, M: 0, 2000, 4000, 6000, 8000, 10000 ppm/10 per group; Stop study doses: R: 0, 1500, 3000, 6000 ppm/30 per group.	
Formic acid, 64-18-6	Fume	K. Abdo, 919-541-7819	Inhal	RM	R&M: 0, 8, 16, 32, 64, 128 ppm/10/group.	
Methyleugenol, 93-15-2	Food	D. Bristol, 919-541-2756	Gav	RM	0, 10, 30, 100, 300, 1000 mg/kg plus sham gavage group.	
Riddelliine, 23246-96-0	Phar	P. Chan, 919-541-7561	Gav	RM	R&M: 0, 0.33, 1.0, 3.3, 10.0, 25.0 mg/kg	
Tetrachlorophthalic anhydride, 117-08-8	Flam	F. Kari, 919-541-2926	Gav	RM	0, 94, 187, 375, 750, 1500 mg/kg	
Chemicals tentatively scheduled for peer review 06/91						
Long-term studies:						
Barium chloride dihydrate, 10326-27-9	Dye	J. Dunnick, 919-541-4811	Water	RM	0, 500, 1200, 2500 ppm	
C.I. direct blue 218, 28407-37-6	Dye	K. Abdo, 919-541-7819	Feed	RM	0, 1000, 3000, 10000 ppm/60 per group	
Diethyl phthalate, 84-66-2	Intr	S. Eustis, 919-541-3231	SP	RM	R: 0, 100, 300, M: 0, 7.5, 15, 30 UL/100 solution/50 per group.	
Dimethyl phthalate, 131-11-3	Plas	R. Melnick, 919-541-4142	SP	M	100 UL (promotor) neat chemical on uninitiated and DMBA initiated skin.	

NTP TOXICOLOGY AND CARCINOGENESIS STUDIES, CHEMICALS PROJECTED FOR PEER REVIEW—Continued

Chemical Name/CAS No.	Use	Study scientist	Route	Species	Exposure levels	NTP TR No.
Ethylene glycol, 107-21-1	Text	R. Melnick, 919-541-4142	Feed	M	MM: 0, .625, 1.25, 2.5%, FM: 0, 1.25, 2.5, 5.0%/50 per group.	
Hexachlorocyclopentadiene, 77-47-4	Pest	K. Abdo, 919-541-7819	Inhal	RM	R: 0, .01, .05, .2 ppm, M: 0, .01, .05, .2, .5 ppm/50 per group.	
Manganese sulfate monohydrate, 10034-96-5.	Dye	J. Dunnick, 919-541-4811	Feed	RM	0, 1500, 5000, 15000 ppm/50 per group	
O-nitroanisole, 91-23-6	Phar	R. Irwin, 919-541-3340	Feed	RM	R: 0, 222, 666, 2000, M: 0, 666, 2000, 6000 ppm/50 per group.	
Pentachloroanisole, 1825-21-4	Pest	R. Irwin, 919-541-3340	Gav	RM	MR: 0, 10, 20, 40, FR&M: 0, 20, 40 mg/kg.	
Polysorbate 80 (glycol), 9005-65-6	Phar	K. Abdo, 919-541-7819	Feed	RM	0, 2.5, 5.0%/20 per group	
Promethazine hydrochloride, 58-33-3	Phar	R. Melnick, 919-541-4142	Gav	RM	R: 0, 8.3, 3, 16.6, 33.3, FM: 0, 3.75, 7.5, 15.0, MM: 0, 11.25, 22.5, 5, 45.0 mg/kg.	
Triamterene, 396-01-0	Phar	J. Dunnick, 919-541-4811	Feed	RM	R: 0, 150, 300, 600, M: 0, 100, 200, 400 ppm restart mice: 0, 400 ppm/50 per group.	
Turmeric, oleoresin (curcumin), 8024-37-1.	Food	R. Melnick, 919-541-4142	Feed	RM	0, .2, 1.0, 5.0%	
Chemicals tentatively scheduled for peer review 10/91						
Long-term studies:						
P-nitroaniline, 100-01-6	Dye	R. Irwin, 919-541-3340	Gav	M	0, 3, 30, 100 mg/kg/50 per group	
P-nitrophenol, 100-02-7	Pest	R. Irwin, 919-541-3340	SP	M	0, 40, 80, 175 mg/kg/60 per group	
1,2,3-trichloropropane, 96-18-4	Pnt	L. Burka, 919-541-4667	Gav	RM	R: 0, 3, 10, 30, M: 0, 6, 20, 60 mg/kg	
Tricresyl phosphate, 1330-78-5	Plas	R. Irwin, 919-541-3340	Feed	RM	R: 0, 75, 150, 300, 600, M: 0, 60, 125, 250 ppm/50 per group.	

Abbreviations used: Use—Primary use category: Cosm—Cosmetics; Dye—As or in dyes, inks, and pigments; Flam—Flame retardants; Food—Food and food additives; Fuel—As or in fuel or oil products; Fume—Fumigants; Germ—Germicides, disinfectants, antiseptics; Herb—Herbicide(s); Intr—Chemical intermediate or catalyst; Labc—Unspecified chemical uses not fitting in; Pest—Pesticides, general or unclassified; Phar—Pharmaceuticals or intermediates; Phot—Photography or related purposes; Plas—As or in plastics; Pnt—Paint ingredient; Rubr—Rubber chemical; Solv—Vehicles and solvents; Text—In manufacture of textiles; Wood—In wood industry.

Route—Route of administration: Feed—Oral in feed; Gav—Oral, gavage; Inhal—inhalation; IP/IJ—Intraperitoneal injection; SP—Skin paint; Water—Oral with water.

Spec—Species: R=Rats; M=Mice.

[FR Doc. 90-4436 Filed 2-26-90; 8:45 am]
BILLING CODE 4140-01-M

National Toxicology Program; Announcement of Intent To Conduct Long-term Toxicological Studies of Six Chemicals; Request for Comments

As part of an effort to inform the public, the National Toxicology Program (NTP) routinely announces in the Federal Register the lists of chemicals for which it intends to conduct long-term toxicological studies. This announcement will allow interested parties to comment and provide information on chemicals under consideration for long-term toxicology and carciongenesis studies.

1. Phenophthalein (77-09-8)—chronic studies via dosed feed in B6C3F1 mice and F344 rats are being considered.

2. Trichlorfon (52-6806)—chronic studies via dosed feed in B6C3F1 mice and F344 rats are being considered.

3. 1-Chloro-2-propanol, Technical Grade (127-00-4)—chronic studies via dosed water in B6C3F1 mice and F344 rats are being considered.

4. Isobutene (115-11-7)—subchronic and chronic studies via inhalation in B6C3F1 mice and F344 rats are being considered.

5. Urethane (51-79-6)—subchronic and chronic studies via dosed water or in 5% ethanol solution are being considered for B6C3F1 mice and F344 rats.

6. Polyvinyl alcohol (9002-89-5)—chronic studies via intravaginal administration in F344 rats are being considered.

Anyone having relevant information (including ongoing toxicological studies, current or future trends in production and import, use pattern, human exposure levels, and toxicological data) to share with the NTP on any of these chemicals, should contact Dr. William Eastin or Ms. Janet Guthrie within 60 days of the appearance of this announcement. The information will be considered by the NTP in designing these studies.

Contact may be made by mail to: NIEHS/NTP, P.O. Box 12233, Research Triangle Park, North Carolina 27709 or by telephone at 919-541-7941 (Dr. William Eastin) or 919-541-2245 (Ms. Janet Guthrie).

Dated: February 22, 1990.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 90-4448 Filed 2-26-90; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-90-3025]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be

sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 15, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Report on Program Activity—Section 8 Moderate Rehabilitation Program

Office: Housing

Description of the Need for the Information and its Proposed Use: Form HUD–52686 will be used to gather data to enable the Department to assess and evaluate the information and effectiveness of the Section 8 Moderate Rehabilitation Program. The information will also allow HUD to respond to inquiries from Congress and other interested entities.

Form Number: HUD–52686

Respondents: State or Local Governments

Frequency of Submission: On Occasion

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–52686	300		1.67		2		1,000

Total Estimated Burden Hours: 1,000

Status: Extension

Contact: A.M. Bell, HUD, (202) 755–6650; John Allison, OMB, (202) 395–6880.

Date: February 15, 1990.

[FR Doc. 90–4343 Filed 2–26–90; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–90–3026]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 20, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Description of Materials

Office: Housing

Description of the Need for the Information and its Proposed Use: Builders and Sponsors will use Form HUD–92005 to inform the Department of materials, and the assembly of the dwellings and other improvements to the property. In addition, the form and the attached drawings will define the scope and limits of the construction. HUD will use this information in estimating the value of the property for FHA mortgage insurance.

Form Number: HUD–92005

Respondents: Businesses or Other For-Profit, Federal Agencies or Employees, and Small Businesses Or Organizations

Frequency of Submission: Recordkeeping and On Occasion

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-92005	2,500		40		.5		50,000

Total Estimated Burden Hours: 50,000
Status: Reinstatement
Contact: Kenneth L. Crandall, HUD, (202) 755-6720, John Allison, OMB, (202) 395-6880

Date: February 20, 1990.

Proposal: Quality Control Plan for Approved Mortgagees
Office: Housing

Description of the Need for the Information and its Proposed Use: The Mortgagee Letter establishes minimum requirements for an acceptable Quality Control Plan for HUD-FHA approved mortgagees with respect to loan origination and servicing. The requirements are intended to improve the quality of loan origination and servicing by approved mortgagees and to reduce losses to HUD's insurance fund.
Form Number: None
Respondents: State or Local Governments, Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations
Frequency of Submission: On Occasion
Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information collection	1,200		1		40		48,000

Total Estimated Burden Hours: 48,000
Status: New
Contact: Andrew Zirneklis, HUD, (202) 755-6924, John Allison, OMB, (202) 395-6880

Date: February 20, 1990.

[FR Doc. 90-4344 Filed 2-26-90; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-040-08-4322-02]

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 992-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Thursday, April 5, 1990. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 176 East D.L. Sargent Drive, Cedar City, Utah.

The agenda is as follows: (1) Public Comments; (2) request by Grazing Permittee, Barry Barnson, for grazing use on unallotted area on Varney Griffin Bench; (3) Report from Resource Areas on change in annual spring licensing due to drought problems; (4) BLM big game hunting recommendations in relation to drought conditions; (5) Wildhorse gathering; (6) Report from Resource Areas on Status of Allotment Evaluations; (7) Update of District Predator Control Program; (8) Distribution of 8100 Funds; (9) Project ranking for FY91; (10) Advisory Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 176 East D.L. Sargent Drive, Cedar City, Utah 84720, phone (801) 586-2401, by April 2, 1990. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 16, 1990.
Gordon R. Staker,
District Manager.

[FR Doc. 90-4355 Filed 2-26-90; 8:45 am]
BILLING CODE 4310-DQ-M

[OR-050-00-4320-02: GPO-125]

Prineville District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: There will be a meeting of the Prineville District Grazing Advisory Board on Thursday, April 19, 1990. The meeting will begin at 10:00 a.m. in the District Office conference room. The following topics will be discussed:

1. FY 1990 Rangeland Improvements—revised since the fall meeting.
2. FY 1991 Rangeland Improvements.
3. Geographic Emphasis Areas:
—philosophy behind them
—district locations
—planned expenditures for FY 1990.
4. Noxious weed management update.
5. 1990 Five-Year Clock:
—accomplishments to date
—a discussion of other work foregone.

Donald L. Smith,
Acting District Manager.

[FR Doc. 90-4354 Filed 2-26-90; 8:45 am]
BILLING CODE 4310-33-M

[AA-660-09-4120-02]

Federal Coal and Other Solid Mineral Leases; Royalty Reduction Guidelines; Notice

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final action.

SUMMARY: This final action announces the adoption of an amendment to the Bureau of Land Management's (BLM) procedural document entitled "Royalty Rate Reduction Guidelines for Solid Leasable Minerals." The amendment comprises an additional category under which a royalty rate reduction may be granted. The guidelines implement section 39 of the Mineral Leasing Act (MLA) and were promulgated on June 26, 1987 (see 52 FR 24347, June 30, 1987). Category 5 is added to the guidelines in recognition that Federal coal reserves could be bypassed or remain undeveloped due to a differential between Federal and non-Federal coal royalty rates.

The new category is based in part of a study entitled "The Competitive Position

of Federal Coal in North Dakota, Alabama, and Oklahoma." However, the criteria were developed as national qualifying standards that allow for evaluation of any State or area. An individual, lease-specific royalty reduction application then could be submitted under this category within a State or area determined to qualify. Addition of category 5 in no way alters the availability of the other four categories under which an application may be submitted to the BLM.

DATES: The amended guidelines will take effect March 29, 1990.

FOR FURTHER INFORMATION CONTACT: Paul W. Politzer or Phillip C. Perlewitz, Bureau of Land Management (660), 1800 C Street NW., Washington, DC (202) 343–7722.

SUPPLEMENTARY INFORMATION: Section 39 states in part: "The Secretary of the Interior, for the purpose of encouraging the greatest ultimate recovery of coal, oil, gas, oil shale, phosphate, sodium, potassium and sulfur, and in the interest of conservation of natural resources, is authorized to * * * reduce the royalty * * *, whenever in his judgment it is necessary to do so, in order to promote development, or whenever, in his judgment the leases cannot be successfully operated under the terms therein."

In 1976, during the debate on President Ford's veto of the Federal Coal Leasing Amendments Act (FCLAA), Congress further clarified this authority with such statements, as, "* * * The Secretary of the Interior can reduce that 12.5 percent to 7 percent, 5 percent, or 3 percent. He has always had the right to do that * * *. He can cut the royalty down to whatever he wishes." (122 Cong Rec. 25459 (August 4, 1976)). Further, an Interior Board of Land Appeals (IBLA) decision states that the authority conferred by section 39 is discretionary and, thus, enables the BLM to exercise professional judgment to make decisions which best protect the economic and resource interest of the United States as owner of the mineral estate (Peabody Coal Company, 93 IBLA 326, 328, and 334 (1986)).

I. Introduction

In 1987, BLM conducted a study which focused on the competitive nature of Federal coal reserves located in certain geographic areas in response to public, congressional, and State requests. The study examined Federal coal reserves in three States (North Dakota, Alabama, and Oklahoma) where Federal coal production has represented a minor share of total coal production. Royalty rate differentials between Federal and non-Federal coal in North Dakota, Alabama, and Oklahoma were reported in the study.

New royalty rate reduction criteria that would reduce the economic incentive to bypass Federal coal reserves due to royalty rate differentials were designed to make Federal coal resources competitive with surrounding State and private coal. Therefore, in order to promote development of Federal coal reserves that may be bypassed in favor of non-Federal coal having a lower royalty rate, in conjunction with the discretionary authority established in section 39 of the MLA to reduce royalties, BLM developed a new royalty rate reduction category.

A Notice of proposed action, announcing the intention of BLM to amend the 1987 royalty rate reduction guidelines, was published in the **Federal Register** on August 5, 1988, (53 FR 29586) with a 60-day comment period. The public comment period ended on October 4, 1988. A total of 10 comments were received, all from industry representatives and trade associations.

The majority of the commenters supported the Bureau's proposed amendment to the royalty rate reduction guidelines. One commenter did not explicitly state support for or object to the proposed amendments; however, that commenter did state that the proposed amendments should help to ensure that Federal coal resources are not bypassed. The BLM did not receive any comments that objected to adoption of the fifth royalty rate reduction category to the guidelines. The specific comments are addressed as follows:

II. Response to General Comments on the Proposed Royalty Rate Reduction Guideline Amendment

Comment: One commenter, who supported the proposed addition to the guidelines, stated that the existing royalty rate reduction guidelines do not allow for a reduction in royalty based on the noncompetitive nature of the two types of coal leases (Federal and non-Federal). The respondent mentioned that both his and his predecessor's companies have been operating coal mines in Oklahoma since 1948. Prior to 1976, all of the respondent's mines were operated on Federal coal leases. However, since 1976, the respondent has operated mines on private lands primarily because the Federal royalty rate is not competitive with the non-Federal royalty rate. The commenter stated that on the Federal lease the royalty rate was 12.5 percent of gross proceeds, fees and taxes were not allowable deductions, and that he had to apply for transportation and washing allowance. By comparison the commenter stated, on private coal leases the royalty rate was 5 percent of gross proceeds and included deductions for: fees, taxes, transportation, and washing costs. The differences in royalties between Federal and non-Federal operations amounted to between $1.51 and $2.43 per ton.

Response: We agree with the comment. Category 1(b) of the guidelines only allowed for a royalty rate reduction where Federal coal was less competitive than non-Federal coal under certain very limited circumstances. Reductions granted under the new category will encourage the greatest ultimate recovery of coal and be in the interest of conservation of natural resources by ensuring greater competitiveness of Federal coal with non-Federal coal.

The specific example presented by the commenter clearly demonstrates that the royalty rate on Federal coal can be an important factor in decisions to mine Federal or non-Federal coal in States such as Oklahoma. Also, the lessee's decision to mine primarily non-Federal coal instead of Federal coal since 1976 is another important factor to consider in the assessment of the impact of the royalty rate on the development of and production from Federal coal reserves. The detailed information submitted by the commenter with regard to the potential noncompetitive nature of some Federal coal reserves has assisted BLM in developing the analytical basis for the new category of royalty rate reductions.

Comment: A few commenters suggested that since similar competitive conditions between Federal and non-Federal coal exist in areas where the Federal Government is market dominant, the same category 5 royalty rate reductions should also apply in these areas. Also, a few commenters requested that BLM conduct a study of the conditions that exist in Colorado to determine if Colorado may also be included in this fifth category. One commenter made a similar inquiry with regard to New Mexico and another inquired with regard to the possible inclusion of Washington State in this category.

Response: Although BLM acknowledges that some similarity of competitive conditions between Federal and non-Federal coal may exist in certain States or areas where the Federal Government is market dominant, BLM also recognizes that the impact of these competitive conditions on the development of Federal coal reserves or the successful operation of

Federal coal leases may not always be the same as in States or areas where Federal coal is not market dominant. Further, where Federal coal is market dominant, royalty rates on non-Federal coal often have been adjusted to conform to Federal rates. The condition that Federal coal is not market dominant is one of five criteria that must be met in the determination of which States or areas may qualify under this new fifth royalty rate reduction category. An equally important criterion is that Federal coal would be bypassed or remain undeveloped due to the royalty rate differential between Federal and non-Federal reserves. The existence of this royalty rate differential in States or areas where production is predominantly from Federal coal reserves may be less likely to cause bypass of those reserves throughout the State or area than would be caused where production of coal on Federal lands is not predominant. Federal lessees located in States or areas where Federal coal is market dominant and the State or area does not qualify under the fifth category are not precluded from obtaining a royalty rate reduction under the other four categories of the 1987 guidelines. The BLM will review, upon petition, conditions in any State or area which may qualify under this category. This comment was accepted in part.

Comment: A few commenters suggested that BLM should consider a further amendment to the royalty rate reduction guidelines to provide area-encompassing royalty rate reduction opportunity for leases that experience high costs as a result of geologic conditions.

Response: Lessees who experience high costs as a result of geologic conditions may already apply for a royalty rate reduction under the 1987 guidelines. Localized geologic conditions that impact a lessee's operations are reviewed as part of BLM's evaluation of applications for royalty rate reductions under categories 1, 2, and 4 of the 1987 guidelines. Special emphasis has been placed on the impact of adverse geologic conditions in category 1, "Expanded Recovery," reductions. Under this category, a royalty rate reduction may be granted if the adverse geologic and engineering conditions render the resource economically unrecoverable at the lease royalty rate using current standard industry operating practices. Alternatively, a royalty rate reduction may also be granted for "Expanded Recovery" if under similar geologic and engineering conditions the Federal resources may be bypassed because they are less economically recoverable than non-Federal resources that are part of the near-term mining sequence within the same operation. Because the current guidelines already provide for consideration of adverse geologic and engineering conditions, it was determined that adoption of this comment would cause redundancy in the guidelines.

Comment: One commenter suggested that the proposed amendment to the royalty rate reduction guidelines is inadequate because it benefits primarily those coal suppliers who have the option of mining non-Federal coal. The BLM also received a comment that stated that the proposed amendment will not address the inequity of an across-the-board *ad valorem* royalty rate for those operators whose mine plans are checker-boarded with Federal coal and, therefore, do not have the flexibility to choose bypass.

Response: The royalty rate differential category, category 5, does not specifically favor Federal lessees who have the option of mining non-Federal coal, nor does this category restrict lessees whose only option is to mine Federal coal reserves from obtaining a royalty rate reduction under this category. However, this category does consider the impact that the differential in royalty rates between Federal and non-Federal coal has on the development and production of coal from Federal reserves. Thus, in order to promote development, a royalty-rate reduction may be granted under this category (in conjunction with other criteria as described below) for Federal coal that would be bypassed or remain undeveloped due to a royalty rate differential. In terms of Federal and non-Federal coal reserves, the objective of royalty rate reductions under this new category is to address the impact of a royalty rate differential on production of Federal reserves and not on whether a particular Federal lessee with non-Federal reserves will bypass the Federal reserves. With regard to the comment suggesting BLM's guidelines do not provide for a reduction of royalties for those lessees whose reserves are checker-boarded with State or private reserves and who do not have the option of bypassing Federal coal, they may seek royalty relief under another appropriate category contained in BLM's guidelines. These comments could not be adopted because relief exists under the other categories of the guidelines.

Comment: One commenter suggested that the need for royalty rate reductions could be minimized if royalties were applied more equitably, such as on a cents per MBtu (million British Thermal Unit) basis.

Response: Because the coal valuation methodology is not a royalty rate reduction issue, this comment could not be adopted. However, the Minerals Management Service has examined the issue for the establishment of a value for coal based on cents per million Btu. The Minerals Management Service concluded, in its Coal Product Value regulations published in the Federal Register on January 13, 1988 (54 FR 1492), that the method may not represent the market value of the coal. Also, since Congress prescribed an *ad valorem*-based rate of 12.5 percent of the value of surface-mined coal in enacting FCLAA and since the congressional intent was clear on the use of a value-based rate for underground coal, the law would have to be changed before BLM could consider this suggestion.

The need for royalty rate reductions will not be resolved by simply adopting another valuation procedure. Furthermore, the procedures established in the royalty rate reduction guidelines both address the need for the royalty rate reduction and allow for royalty relief to be obtained as authorized by section 39 of the MLA.

Comment: One commenter stated that the category 5 royalty rate reduction guidelines in themselves do not address the site-by-site inequities built into *ad valorem* royalties. This commenter further stated that a case-by-case assessment would alleviate Federal versus non-Federal or site-by-site inequities.

Response: The procedural amendment to the royalty rate reduction guidelines adds a category that will have the benefit of easing the administrative burden of handling many applications based on the same need factors through the establishment of a competitive royalty rate where appropriate. This new category does not replace, but supplements the existing four categories under which a lessee may qualify for a royalty rate reduction. The procedures contained in these four existing categories assess the merits of a reduction request on a case-by-case basis. Because individual lessees in those States or geographic areas determined to qualify under category 5 may still apply for a royalty rate reduction under the existing guidelines, this comment could not be adopted.

III. Royalty Rate Reduction Guideline Categories

The BLM adopted procedures for implementing the statutory and regulatory authority for granting

temporary royalty rate relief. Guidelines implemented in 1987 established four categories under which a Federal lessee may request a royalty rate reduction. This amendment to the guidelines establishes a new fifth category for royalty rate reductions. The four original categories adopted in 1987 remain unchanged by this amendment. The BLM procedural document entitled "Royalty Rate Reduction Guidelines for the Solid Leasable Minerals," as amended, includes the following five categories:

1. *Expanded Recovery:* Where a lessee certifies that, without a royalty rate reduction, either: (a) Adverse geologic and engineering conditions make the solid leasable mineral resources identified in the application economically unrecoverable at the lease royalty rate using current standard industry operating practices, or (b) the lease royalty rate, all geologic and engineering conditions being the same or similar, makes the solid leasable mineral resources identified in the application likely to be bypassed because they are less economically recoverable than resources on non-Federal leases that are part of the near-term mining sequence within the same operation. The reduced rates are 8 percent for surface mined coal and 5 percent for underground mined coal.

2. *Extension of Mine Life:* Near the end of mine life, where a reduced royalty rate would extend the period during which mining would occur and thereby encourage the greatest ultimate recovery of solid leasable mineral resources. The reduced rates are 8 percent for surface mined coal and 5 percent for underground mined coal.

3. *Financial Test—Unsuccessful Operations:* Where operations on a lease are not financially profitable under the terms of the lease, with lease operating costs exceeding lease production value.

4. *Financial Test—Expanded Recovery/Extension of Mine Life:* Where lessees qualifying under categories 1 or 2 request a royalty rate reduction to a level below the specified rates set forth in the guidelines for those categories and provide financial data to support the need for reduction.

5. *Geographic Area Royalty Rate Differentials:* Where the BLM has recognized that the royalty rate on Federal coal reserves is not competitive with the royalty rate on non-Federal coal reserves and this royalty rate differential causes Federal coal to be bypassed or to remain undeveloped in the qualifying State or geographic area.

The BLM has revised the royalty rate reduction guidelines to include this additional category to address royalty rate differentials resulting in bypass of Federal coal. The category contains criteria that recognize the existence of noncompetitive conditions associated with coal resources on certain Federal lands. Those resources occur in States or areas where the Federal deposits are currently being forgone in favor of deposits on non-Federal land due to the significant royalty rate differential between Federal and non-Federal coal leases. This new criterion was added to recognize the noncompetitive nature of some Federal coal deposits and, in order to promote development, add an additional basis on which the section 39 authority is being exercised.

The following five criteria will be used in determining whether a State or geographic area would qualify under category 5 for royalty rate differentials. The BLM authorized officer will determine State or geographic area qualification based on the following:

1. The Federal Government is not market dominant;
2. Federal royalty rates are above the current market royalty rate for non-Federal coal in the State or area;
3. Federal coal would be bypassed or remain undeveloped due to the royalty rate differential;
4. The above conditions exist throughout the State or geographic area; and
5. A category 5 royalty rate reduction is not likely to result in undue competitive advantages over neighboring States or areas.

IV. Implementation Procedures for Category 5 Royalty Rate Reductions

In order to help ensure that Federal coal resources will be competitive with surrounding State and private coal, BLM will accept petitions, filed in the appropriate State Office, requesting a determination for qualification under the category 5 criteria for a specific State or geographic area. Petitions will be accepted from Federal coal leases, trade associations, and State Governors.

The petition(s) must represent a significant interest in Federal coal within the State or area specified in the petition(s) before the BLM authorized officer initiates a category 5 determination.

Petitions submitted by lessees or representatives of lessees should contain statements: (1) Establishing the existence of royalty rate differentials between Federal and non-Federal coal leases; (2) describing what the royalty rate differences are within the entire State or area defined in the petition; and (3) that the non-Federal royalty rates are lower than the Federal royalty rate, thus causing Federal coal reserves to be bypassed or to remain undeveloped. Statements contained in a petition regarding the existence of royalty rate differentials should be supported by information regarding specific non-Federal coal: lease royalty rates, production, and recoverable reserves included in an approved Surface Mining Control and Reclamation Act mine permit.

In the petition(s), the non-Federal coal royalty rate data should be segregated by rank of coal (i.e., bituminous, subbituminous, lignite, etc.); and by mining method (surface or underground). A historical perspective of the setting of royalty rates for non-Federal coal reserves should be included, if available.

If BLM determines that the State or area included in a petition qualifies for a category 5 royalty rate reduction, applications for a royalty rate reduction may be submitted to the appropriate BLM State Director, under whose auspices all requisite lease-specific evaluations will be completed in accordance with the guidelines. The decision to approve or deny a royalty rate reduction under this category will be made by the appropriate State Director. The BLM State Director's authority to act on royalty rate reduction applications for coal leases is contained in regulations at 43 CFR 3485.2(c)(1).

The BLM personnel will review the application for completeness and confirm the likelihood of Federal coal being bypassed or not being developed due to the presence of a royalty rate differential.

If approved, the royalty rate reduction shall be in effect as of the date of the filing of a completed application. Payments made in the interim period between application and approval will be at the lease rate. If a royalty rate reduction is granted, any payments already made in excess of the reduced royalty rate will be credited against future royalty payments. Category 5 royalty rate reductions do not alter the legal obligation with regard to the payment of advance or minimum royalty in lieu of annual production or the "bonus" bid received in a competitive lease sale.

For approved royalty rate reductions under category 5, the lessee must submit a recertification under the category 5 procedures on the second anniversary date of the approved royalty rate reduction. The recertification should contain updated: justification, rational, and supporting data in the same detail as provided in the original application.

The reduced royalty rate shall only be applicable to those coal reserves included in the lessee's application.

For the States of North Dakota, Alabama, and Oklahoma, BLM will initiate qualification determinations. Contingent on the qualification determinations by BLM, appropriate competitive royalty rates would be established and applications from operators in these three States accepted for consideration under the royalty rate reduction guidelines, as amended, to reflect the criteria of this new category. The royalty rate floor of 2 percent established in the June 26, 1987, royalty reduction guidelines will apply to category 5. However, the rate established in a State or area within a State will be based on an average of the royalty rates for producing non-federal coal leases within that State or area.

Application procedures are similar to those established in the present guidelines. However, for this new category the applicant must certify that its circumstances conform to criteria 2 and 3 of the State or geographic area (category 5) qualification requirements.

Dated: February 21, 1990.

Dave O'Neil,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 90-4444 Filed 2-26-90; 8:45 am]

BILLING CODE 4310-84-M

[NM-910-GPO-402; NM NM 55885]

Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provisions of 43 CFR 3108.2-3, David Petroleum Corporation, petitioned for reinstatement of oil and gas lease NM NM 55885, covering the following described lands located in Eddy County, New Mexico:

T. 23 S., R. 23 E., NMPM
Sec. 24: NE¼SW¼, S½SW¼, SE¼.
Containing 280.00 acres.

It has been shown to my satisfaction that failure to make timely payments of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been made. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at the rate of 16⅔ percent, computed on a sliding scale of 4 percentage points greater than the competitive royalty schedule attached to the lease. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Dolores L. Vigil,

Chief, Adjudication Section.

[FR Doc. 90-4357 Filed 2-26-90; 8:45 am]

BILLING CODE 4310-FB-M

[ID-942-00-4730-12]

Idaho: Filing of Plats of Survey

The plats of survey of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10 a.m., February 16, 1990.

The plat, in two sheets, representing the dependent resurvey of portions of the south and west boundaries, the subdivisional lines, and the segregation of the Last Chance, Oakley, and Muscovite lode claims, and the subdivision of certain sections, T. 7 S., R. 35 E., Boise Meridian, Idaho, Group No. 716, was accepted February 13, 1990.

The plat representing the dependent resurvey of portions of the south boundary and subdivisional lines, and the subdivision of certain sections, T. 3 S., R. 16 E., Boise Meridian, Idaho, Group No. 719, was accepted February 13, 1990.

The plat representing the dependent resurvey of a portion of the subdivisional lines and subdivision of section 26, T. 6 S., R. 5 E., Boise Meridian, Idaho, Group No. 724, was accepted February 12, 1990.

These surveys were executed to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: February 16, 1990.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 90-4387 Filed 2-26-90; 8:45 am]

BILLING CODE 4310-GG-M

Diamond Fork System, Bonneville Unit, Central Utah Project, Utah

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of availability of the final supplement to the final environmental impact statement (FSFES): INT-FES 90-07.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended), the Bureau of Reclamation (Reclamation) has prepared the FSFES for the Diamond Fork System, Bonneville Unit, Central Utah Project. The system would provide for the conveyance of agricultural and municipal and industrial water for 12 counties in northern and central Utah. The FSFES addresses modifications to the project plan since the filing of the Final Environmental Impact Statement (INT-FES 84-30) in 1984.

ADDRESSES: Single copies of the FSFES may be obtained from the Regional Director or the Projects Manager at the addresses below:

Regional Director, Upper Colorado Region, P.O. Box 11568, Salt Lake City, UT 84147; telephone: (801) 524-5580.

Projects Manager, Utah Projects Office, Bureau of Reclamation, 302 East 1860 South, P.O. Box 51338, Provo, UT 84605; telephone: (801) 379-1000.

Copies of the FSFES are available for inspection at the following locations:

American Fork Library, American Fork, UT
Bureau of Reclamation, Denver Office Library, Denver Federal Center, 6th and Kipling, Building 67, Room 167, Denver, CO
Harold B. Lee Library, Brigham Young University, Provo, UT
Lehi City Library, Lehi, UT
Marriott Library, University of Utah, Salt Lake City, UT
Merrill Library, Utah State University, Logan, UT
Nightingale Memorial Library, Westminster College, Salt Lake City, UT
Orem City Library, Orem, UT
Payson City Library, Payson, UT
Pleasant Grove Library, Pleasant Grove, UT
Provo City Library, Provo, UT
Salt Lake City Public Library, Salt Lake City, UT
Southern Utah State College Library, Cedar City, UT
Spanish Fork Library, Spanish Fork, UT
Sprague Library, Salt Lake City, UT
Springville City Library, Springville, UT
United States Department of the Interior, Natural Resources Library, 18th and C Streets, NW., Main Interior Building, Washington, DC
Weber State College Library, Ogden, UT

FOR FURTHER INFORMATION CONTACT: Mr. Harold Sersland (Regional Environmental Officer, Upper Colorado Region, Salt Lake City, UT), telephone: (801) 524-5580; Mr. Lee Baxter (Team Leader, Utah Projects Office, Provo, UT), telephone: (801) 379-1174; or Dr. Wayne Deason (Environmental Services Manager, Denver Office, Denver, CO), telephone: (303) 236-9336.

SUPPLEMENTARY INFORMATION: The FSFES presents modifications to the plan which was originally presented in the 1984 FES (INT-FES 84-30). Because of changing conditions, the recommended power system plan evaluated in the FES is no longer practical and has been reduced in size.

The FSFES presents an analysis of impacts expected to result from a new recommended plan and two alternatives for the downsized system where the impacts would be different from the FES plan. Supplemental irrigation service has been added as a project purpose. Power for project pumping would be developed, and the potential would exist for the development of non-Federal power. In addition, the system would include recreation and fish and wildlife mitigation and enhancement measures. The FSFES also presents the comments received during the 60-day public review of the draft supplement and Reclamation's responses.

Dated: February 15, 1990.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 90-4443 Filed 2-26-90; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 17, 1989. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by March 14, 1990

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Columbia County

Mt. Prospect Methodist Church, Jct. of Co. Rds. 446 and 61, Richland, 90000428

Cross County

Woman's Progressive Club, Rowena St. and Merriman Ave., Wynne, 90000430

Garland County

Moore, W.H., House, 906 Malvern St., Hot Springs, 90000429

Hempstead County

Brundidge Building, W. Second St., Hope, 90000431

CALIFORNIA

Siskiyou County

McCloud, Roughly bounded by Columbero Dr., Main St., W. Minnesota Ave., and Lawndale Ct., McCloud, 90000444

CONNECTICUT

Windham County

Ramsdell, Hezekiah S., Farm, Ramsdell Rd., Thompson, 90000442

FLORIDA

Dade County

Coral Gables Woman's Club, 1001 E. Ponce de Leon Blvd., Coral Gables, 90000423

Highlands County

Seaboard Air Line Depot, Old—Sebring (Sebring MPS), E. Center Ave., Sebring, 90000425

Sebring Downtown Historic District (Sebring MPS), Circle Dr. and Ridgewood Dr. from Mango St. to Magnolia Ave., Sebring, 90000424

Monroe County

Pigeon Key Historic District, Off US 1 at mile marker 45, Pigeon Key, 90000443

GEORGIA

Coweta County

Newnan Commercial Historic District, Roughly bounded by Lee, Perry, Salbide, Lagrange, W. Spring, Brown, Madison, and Jefferson, Newnan, 90000432

Meriwether County

Greenville Historic District, Bounded by Gresham, Gaston, Woodbury, Talbotton, Baldwin, Bottom, Martin, Terrell, LaGrange, and Newnan St., Greenville, 90000433

LOUISIANA

Caddo Parish

Flournoy—Wise House, 9152 Bois d'Arc Ln., Greenwood, 90000435

Calcasieu Parish

Lake Charles Historic District, Roughly bounded by Iris, Hodges, Lawrence, Kirkman, S. Division, and Louisiana, Lake Charles, 90000434

MARYLAND

Charles County

Thainston, Mitchell Rd., N of MD 225, La Plata vicinity, 90000436

MISSISSIPPI

Lawrence County

Beam, Charles Walton, House, Jct. of Bogue Chitto-Meadville Rd. and Upper Meadville-Summit Rd., 7 mi. S of McCall Creek, McCall Creek vicinity, 90000437

MISSOURI

Cole County

Ivy Terrace, 500 E. Capitol Ave., Jefferson City, 90000426

NORTH CAROLINA

Onslow County

Mill Avenue Historic District (Onslow County MPS), Roughly bounded by Bluff College, Court, W. Railroad, Wantland, Mill and First, Jacksonville, 90000439

Richlands Historic District (Onslow County MPS), Roughly bounded by Foy, Trenton, Hargett, Wilmington, Franck, and Church Sts., Richlands, 90000441

Swansboro Historic District (Onslow County MPS), Roughly bounded by Walnut, Main, and Elm Sts., NC 24, White Oak River, and Church, Water, and Broad Sts., Swansboro, 90000440

NORTH DAKOTA

Grand Forks County

St. Michael's Hospital and Nurses' Residence, 813 Lewis Blvd., Grand Forks, 90000438

TEXAS

Washington County

Becker—Hildebrandt House (Brenham County MPS), 1402 S. Church, Brenham, 90000456

Blinn College (Brenham County MPS), Roughly bounded by Third, Jackson, Fifth, Green, College, and High, Brenham, 90000446

Blue Bell Creameries Complex (Brenham County MPS), 602 Creamery, Brenham, 90000468

Brenham High School (Brenham County MPS), 1301 S. Market, Brenham, 90000466

Brenham High School Gymnasium (Brenham County MPS), 1301 S. Market, Brenham, 90000467

Brenham School (Brenham County MPS), 600 E. Alamo, Brenham, 90000454

Brenham Water Works (Brenham County MPS), 1105 S. Austin, Brenham, 90000465

Brockschmidt—Miller House (Brenham County MPS), 806 S. Day, Brenham, 90000451

East Brenham (Brenham County MPS), Roughly bounded by Crockett, Embrey, E. Academy, Ross, E. Main, Market, Sycamore, Cottonwood, Botts, McIntyre, and Alma, Brenham, 90000445

Holle, Edmund, House (Brenham County MPS), 1002 S. Day, Brenham, 90000458

Lenert, Dr. Robert, House (Brenham County MPS), 602 S. Market, Brenham, 90000457

Matchett, Edgar, House (Brenham County MPS), 502 W. Main, Brenham, 90000462

Mt. Zion Methodist Church (Brenham County MPS), 500 High, Brenham, 90000450

Reichardt—Low House (Brenham County MPS), 609 S. Austin, Brenham, 90000455

Santa Fe Railway Company Freight Depot (Brenham County MPS), 214 S. Austin, Brenham, 90000459

Schlenker, Almot, House (Brenham County MPS), 405 College, Brenham, 90000461

Schlenker—Kolwes House (Brenham County MPS), 1304 S. Market, Brenham, 90000460

Schuerenberg, F.W., House (Brenham County MPS), 503 W. Alamo, Brenham, 90000469

Schuerenberg, R.A., House (Brenham County MPS), 703 S. Market, Brenham, 90000463

Seelhorst, W.E., House (Brenham County MPS), 702 Seelhorst, Brenham, 90000470

Southern Pacific Railroad Freight Depot (Brenham County MPS), 306 S. Market, Brenham, 90000453

St. Mary's Catholic Church (Brenham County MPS), 701 Church, Brenham, 90000452

Synagogue B'nai Abraham (Brenham County MPS), 302 N. Park, Brenham, 90000464

US Post Office—Federal Building—Brenham (Brenham County MPS), 105 S. Market, Brenham, 90000449

Washington County Courthouse (Brenham County MPS), 110 E. Main, Brenham, 90000447

Wood—Hughes House (Brenham County MPS), 614 S. Austin, Brenham, 90000448

The following property is also being considered for listing in the National Register but was erroneously omitted from a previous list:

MISSISSIPPI

Lee County

First Methodist Church, 412 W. Main St., Tupelo 90000348

[FR Doc. 90-4395 Filed 2-26-90; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Joint Newspaper Operating Agreement

Notice is hereby given that the Attorney General has ordered that certain documents submitted with the application by two Las Vegas newspapers, the Las Vegas Sun and the Las Vegas Review-Journal, for approval of a joint operating arrangement (JOA) under the Newspaper Preservation Act, 15 U.S.C. 1801, *et seq.* be withheld from public disclosure. Dorney of Nevada, Inc., owner of the Las Vegas Review-Journal, is ordered to file on the public record the total advertising and circulation revenues of the Las Vegas Review-Journal by year for 1984 to 1988 and for 1989 to the date of the request for a joint operating agreement, within 14 days of the date of the order (February 16, 1990).

Public comments on the new information submitted by Donrey, Inc. may be filed within 20 days of Donrey Inc.'s submission of information. Interested persons may file comments by mailing or delivering five (5) copies to the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, Washington, DC 20530, within 20 days of the submission by Donrey. Replies to comments may be filed by the same procedures within 15 days thereafter.

The original notice concerning the application by the two newspaper for a joint operating agreement appeared in 54 FR 33984 on August 17, 1989.

FOR INFORMATION CONTACT: Janis A. Sposato, General Counsel, Justice Management Division, 202-633-3452.

Dated: February 20, 1990.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 90-4421 Filed 2-26-90; 8:45 am]

BILLING CODE 4410-01-M

Clarification as to Consent Decree Lodged Pursuant to the Resource Conservation and Recovery Act

On Tuesday, January 23, 1990, a notice of lodging of a Consent Decree in *United States* v. *Envirite Corporation*, Civ. No. H-89-279 (EBB), with the United States District Court for the District of Connecticut was published at page 2268 of the **Federal Register**. That matter and the Consent Decree apply only to the facility which Envirite Corporation operates in Thomaston, Connecticut. The Consent Decree does not apply to, or in any way affect, Envirite's operations at its other facilities.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90-4422 Filed 2-26-90; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Town of Palmer, MA

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 29, 1990 a proposed Consent Decree in *United States*, v. *Town of Palmer, Massachusetts*, Civil Action No. 85-0420-F, was lodged with the United States District Court for the District of Massachusetts. The proposed Consent Decree resolves the Clean Water Act ("Act") case against the Town of Palmer, Massachusetts ("Palmer"), for violations of sections 301 and 307 of the Act, 42 U.S.C. 1311, 1317. The suit was brought because of Palmer's failure to comply with its National Pollutant Discharge Elimination System ("NPDES") permit and two administrative orders issued by the Environmental Protection Agency ("EPA") which required that the Town develop and implement a pretreatment program. The Consent Decree requires Palmer to pay a civil penalty of $25,000, to be split with the co-plaintiff, the Commonwealth of Massachusetts. No injunctive relief is necessary because Palmer is now in compliance with its NPDES requirements.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Town of Palmer, Massachusetts*, D.J. Ref. No. 90-5-1-1-1510 (Town of Palmer).

The proposed Consent Decree may be examined at the office of the United States Attorney, 1107 J.W. McCormick POCH, Boston, Massachusetts 02109 and at the Region I office of the United States Environmental Protection Agency, J.F.K. Federal Building, Boston, Massachusetts 02203. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, room 1647, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, at the above address. In requesting a copy, please enclose a check in the amount of $10.50, payable to the Treasurer of the United States, to cover the costs of reproduction.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90-4423 Filed 2-26-90; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Herr & Miller Drilling Co., Mt. Vernon, IL; Negative Determination Regarding Eligibility To Apply for Adjustment Assistance

Attached hereto is a copy of a letter sent to Mr. Brad W. Auvil, a former worker of the subject firm, notifying the petitioner of the Department's negative determination.

Signed at Washington, DC, February 21, 1990.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

October 26, 1989

Mr. Brad W. Aivil,

Box 119 R#1, Ceff, IL 62842.

Dear Mr. Aivil: Your petition for trade adjustment assistance (TAA) is being returned because it does not meet the

statutory time requirements of the Trade Act of 1974.

Section 223(b)(1) of the Trade Act of 1974 provides that a trade adjustment assistance certification may not apply to a worker whose separation from employment occurred more than 1 year prior to the date the petition was filed on behalf of affected workers.

The petition was dated 10/15, 1989 therefore, the earliest possible impact date authorized by the Trade Act is 10/15, 1988. The petition states that all the petitioning workers were laid off more than 1 year prior to the petition date. Based on these facts, to proceed with a factfinding investigation in response to the petition would serve no useful purpose since none of the petitioning workers could qualify for TAA benefits. The Trade Act does not give the Secretary authority to waive this statutory limitation.

I regret the provisions of the Trade Act do not permit the Department to establish an earlier impact date.

Yours truly,

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-4412 Filed 2-26-90; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-90-26-C]

K & M Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

K & M Coal Company, Inc., HC 73, Box 194, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 14 Mine (I.D. No. 15-14826) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors as outlined in the petition.

3. In support of this request, petitioner states that:

(a) No methane has been detected in the mine;

(b) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(c) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips; and

(d) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 29, 1990. Copies of the petition are available for inspection at that address.

Dated: February 20, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-4413 Filed 2-26-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-22-C]

Leeco, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Leeco, Inc., 100 Coal Drive, London, Kentucky 40741 has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs and canopies) to its Mine No. 63 (I.D. No. 15-16413) located in Perry County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the Hazard No. 4 coal seam and ranges in height from 40 to 70 inches.

3. Petitioner states that application of the standard would result in a diminution of safety to the miners affected because the canopies would:

(a) Reduce the operator's visibility, causing the operator to lean outside of the compartment to see;

(b) Limit the operator's seating position, resulting in cramped conditions, fatigue, reduced alertness and safety;

(c) Hinder the operator's escape from the compartment in case of an emergency; and

(d) Strike and dislodge permanent overhead roof support.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 29, 1990. Copies of the petition are available for inspection at that address.

Dated: February 20, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-4414 Filed 2-26-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-23-C]

Serendipity Mining, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Serendipity Mining, Inc., P.O. Box 309, Bimble, Kentucky 40915 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 1 Mine (I.D. No. 15-16786) located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors as outlined in the petition.

3. In support of this request, petitioner states that:

(a) No methane has been detected in the mine;

(b) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(c) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips; and

(d) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. all comments must be postmarked or received in that office on or before March 29, 1990.

Copies of the petition are available for inspection at that address.

Dated: February 16, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-4415 Filed 2-26-90; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Maryland State Standards; Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standard promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5 1973, notice was published in the Federal Register (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart 0 to part 1952 containing the decision.

The Maryland State Plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of subpart 0 sets forth the State's schedule for the adoption of Federal standards. By letter dated January 18, 1990, from Commissioner Henry Koellein, Jr., Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identicals to:

(1) 29 CFR 1910.211 and 1910.217, appendices A, B, C, and D, pertaining to amendments to the General Industry Standard for Mechanical Power Presses, Presence Sensing Device Initiation (PSDI) as published in the Federal Register of March 4, 1988 (53 FR 8352);

(2) 29 CFR 1926.800, pertaining to revisions to the Construction Standards for Underground Constuction, Caisson, Cofferdams and Compressed Air, as published in the Federal Register of June 1, 1989 (54 FR 23850);

(3) 29 CFR 1910.66, pertaining to the General Industry Standard for Powered Platforms for Building Maintenance as published in the Federal Register of July 28, 1989 (54 FR 31456); and

(4) 29 CFR 1910.1048, pertaining to amendments to the Occupational Exposure to Formaldehyde Standard as published in the Federal Register of August 1, 1989 (54 FR 31765). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after a public hearing on November 17, 1989. These standards became effective on January 22, 1990.

2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

3. Location of the Supplements for Inspection and Copying

A copy of the standards supplements, along with the approve plan, may be inspected and copied at the following locations during normal business hours: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202; and the OSHA Office of State Programs, Room N-3700, Third Street and Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with application laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons.

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective February 27, 1990.

Authority: Sec. 18, Pub. L. 91-596, 84 State. 1608 (29 U.S.C. 667).

Signed at Philadelphia, Pennsylvania, this 7th day of February 1990.

Linda R. Anku,

Regional Administrator.

[FR Doc. 90-4416 Filed 2-26-90; 8:45 pm]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-395]

South Carolina Electric & Gas Co.; South Carolina Public Service Authority; V.C. Summer Nuclear Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a one-time exemption from the requirements of 10 CFR part 55 to South Carolina Electric & Gas Company and South Carolina

Public Service Authority (the licensees) for the V.C. Summer Nuclear Station (Summer) located in Jenkinsville, South Carolina.

Environmental Assessment

Identification of Proposed Action

The exemption would grant relief from 10 CFR 55.59(a), which requires that a requalification program for operator licensees and senior operator licensees be conducted for a continuous period not to exceed 24 months in duration and that an annual requalification examination be administered. The licensee has requested an exemption which would extend the 24 month requalification program cycle from March 1991 to May 1991 and the annual requalification examination from March 1990 to May 1990.

The licensees' request for exemption and the bases therefore are contained in a letter dated November 9, 1989.

The Need for the Proposed Action

The proposed exemption is from 10 CFR 55.59(a), which requires that a requalification program for operator licensees and senior operator licensees be conducted for a continuous period not to exceed 24 month in duration. In addition, an annual requalification examination must be passed. The licensees requested an exemption to extend the 24 month requalification cycle from March 1991 to May 1991 for the purpose of aligning the Summer program with the new NRC national examination schedule. The licensees also requested an exemption from the annual requalification examination from March 1990 to May 1990 for the same reason. This one time exemption would result in a permanent adjustment to the 24 month requalification cycle and the annual requalification examination schedule.

Environmental Impacts of Proposed Action

The proposed exemption would align the Summer requalification cycle with the NRC national examination schedule. This exemption will not increase the risk of facility accidents. Thus, post-accident radiological release will not be greater than previously determined, nor does the proposed exemption otherwise affect the quantity of radiological plant effluents, nor result in any significant increase in occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Because it has been concluded that there is no measurable impact associated with the proposed exemption, any alternatives to the exemption will have either no environmental impact or greater environmental impact.

The principal alternative to the exemption would be to deny the requested exemption. Such action would not reduce environmental impacts of the V.C. Summer Nuclear Station operations and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Operation of the V.C. Summer Nuclear Station," dated May 1981.

Agencies and Persons Consulted

The NRC staff has reviewed the licensees' request that supports the proposed exemption. The NRC staff did not consult with other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based on the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further information with respect to this action, see the application for exemption previously listed, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Dated at Rockville, Maryland this 20th day of February, 1990.

For the Nuclear Regulatory Commission.

Edmond G. Tourigny,

Acting Director, Project Directorate II-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-4408 Filed 2-26-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-20567; ASLBP No. 90-603-02-EA]

American Radiolabeled Chemicals, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding:

American Radiolabeled Chemicals, Inc., Byproduct Materials License No. 24-21362-01, General License No. 10 CFR 110.23, EA 89-257

This Board is being established pursuant to the Licensee's request for a hearing regarding an Order issued by the Deputy Executive Director for Nuclear Materials, Safety, Safeguards and Operations Support, dated January 11, 1990, entitled "Order Suspending Licenses (Effective Immediately)." (55 FR 2456, January 24, 1990).

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

John H. Frye, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Judge Frank F. Hooper, 26993 McLaughlin Blvd., Bonita Springs, Florida 33923.

Judge Gustave A. Linenberger, Jr., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 20th day of February 1990.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 90-4410 Filed 2-26-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-483]

Union Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-

30, issued to Union Electric Company (the licensee), for operation of the Callaway Plant located in Callaway County, Missouri.

The proposed amendment would revise Technical Specifications (TSs) 5.3.1, 5.6.1.1 and the associated bases to allow storing fuel of maximum enrichment of 4.45 weight percent U–235 in the Region I area of the spent fuel pool with an additional requirement that reference K infinity in unborated water be less than or equal to 1.455 at 68 °F. TS 5.6.1.1 would be revised to reference the Final Safety Analysis Report (FSAR) chapter 9.1A for a description of the uncertainties considered in criticality analysis. Bases section 3/4.9.3 would be revised to include an additional description of the basis for the decay time required after shutdown and prior to fuel movement.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 29, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a part in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, 20555 and at the Local Public Document Room located at Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in providing the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 28, 1989, which is available for public inspection at the Commission's Public Document room, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Dated at Rockville, Maryland, this 13th day of February 1990.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III–3, Division of Reactor Projects–III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–4411 Filed 2–26–90; 8:45 am]

BILLING CODE 7590–01–M

Privacy Act of 1974; Proposed New System of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Establishment of a new system of records.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to establish a new system of records, NRC-1, Shared Information Network (SINET). This will be an automated data base which contains detailed information from various sources that the NRC needs to perform its regulatory functions.

EFFECTIVE DATE: The proposed new system of records will take effect, without further notice, on March 29, 1990, unless comments received on or before that date cause a contrary decision. If, based on NRC's review of comments received, changes are made, NRC will publish a new final notice.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments may be examined at the NRC Public Document Room at 2120 L Street, NW., Lower Level, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: NRC-1, Shared Data Network, will contain the NRC's shared data. NRC shared data are defined as data from various sources that the agency must have, use, and preserve in performing its regulatory functions. Examples include data about nuclear power plants, events, and inspections. The names of NRC and other Federal, State, and local government emergency points of contact, and public utility personnel will be included in this data base.

A report of this system of records, required by 5 U.S.C. 522a(o), as implemented by OMB Circular A–130, was sent to the Chairman, Committee on Government Operations, U.S. House of Representatives; the Chairman, Committee on Government Affairs, U.S. Senate; and the Office of Management and Budget on December 26, 1989. No comments were received on the proposed system of records.

1. The following new system of records, NRC–1, Shared Information Network (SINET)—NRC, is being proposed for adoption by the NRC.

NRC–1

SYSTEM NAME:

Shared Information Network (SINET)—NRC.

SYSTEM LOCATION:

Office of Information Resources Management, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NRC employees; NRC contractors; Federal, State, and local government emergency points of contact; and public utility personnel at neclear power plants.

CATEGORIES OF RECORDS IN THE SYSTEM:

For NRC personnel, records will contain name, grade, title, office, room, and telephone numbers. For non-NRC personnel, records will contain name, phone number, address, and power plant responsibilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201 (1982).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

Information in these records may be used:

a. To identify personnel cognizant of or responsible for activities at nuclear power plants;

b. To identify personnel associated with specific NRC functions; and

c. For the routine uses specified in paragraphs 1, 5, and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper files and computer disks.

RETRIEVABILITY:

Accessed by individual or plant name.

SAFEGUARDS:

Computer files are password protected. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Computer files are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Systems Development Branch, Office of Information Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information is obtained from individuals, supervisors, utilities, and Federal, State, or local governments.

Dated at Rockville, Md., this 14th day of February, 1990.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 90–4409 Filed 2–26–90; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Invoice Price Uplifting of Imports Into Israel for Purpose of Assessing Tariff and Taxes

AGENCY: Office of the U.S. Trade Representative.

ACTION: Request for public comment on the effect on U.S. exports of the Israeli Customs' practice of uplifting the invoice price of products imported into Israel for the purpose of assessing tariff and taxes. The practice is known in Israel as harama (hah-rah-MAH).

SUMMARY: Under the U.S.-Israel Free Trade Area Agreement, the United States and Israel agreed to eliminate tariffs and most non-tariff barriers on goods traded between the two countries by 1995. Israel's practice of harama may be, in effect, a barrier that hinders U.S. exports to Israel. This noitice requests written public comment on whether harama is inhibiting U.S. penetration of the Israeli market. The deadline for receiving such comments is April 20, 1990.

ADDITIONAL INFORMATION: Requests for additional information should be

directed to Linda Silverman, Director of Middle Eastern Affairs, Office of Europe and the Mediterranean, Office of the U.S. Trade Representative, room 317, 600 17th Street, NW., Washington, DC 20506; telephone (202) 395–3211.

1. Background

The United States entered the U.S.-Israel Free Trade Area (FTA) Agreement with the understanding the U.S. products entering Israel would be valued at the c.i.f. price, as stated on the invoice, for the purpose of assessing relevant duties and taxes. This understanding is implicit in the fact that the FTA reaffirms both countries' obligations under the General Agreement on Tariffs and Trade (GATT). Article VII of the GATT states: "The value for customs purposes of imported merchandise should be based on the actual value of the imported merchandise * * * and should not be based on the value of merchandise of national origin or on arbitrary or fictitious values."

It has come to our attention that Israeli Customs uplifts the price of all products imported by exclusive agents by 2 to 5 percent and the price of other U.S. products by up to 10 percent. The application of the harama or uplift is described in the instructions to Israeli customs officers on valuation procedures (Caption 25 of the 1984 TAMU—VAT and Customs Instruction for Customs Posts and the Public). The legal basis for the procedure is article 130(A) of the Israeli Customs Law of 1980, which defines "the value of imported goods for customs purposes" as "the price that can be obtained for the goods when sold in a free market, provided the seller and the buyer are independent."

The application of the harama may add to the cost of importing U.S. products into Israel. The Office of the U.S. Trade Representative is seeking information on the effect of this practice on U.S. exports to Israel.

2. Information to be Included in Comments.

Each comment should include the following information:

A. General Information

(a) Name and business address of individual or organization submitting the comment, individual in the organization to be contacted concerning the comment, telephone number, and date of comment.

B. Product Information

(2) Product category to which Israeli Customs has applied harama and the tariff subheading numbers at the 8-digit level in the Israeli harmonized system (HS) tariff schedule.

(3) The invoice price of your product/products and the amount of the harama, or the percentage by which the invoice price is raised before duties and other import taxes are applied.

(4) The effect of the harama on the marketability of the product in Israel or the imported price of the product.

C. Statistical Information

Provide data, if available, on:

(5) Your firms' exports to Israel, in dollars, for each product in the most recent 3-year period for which data are available.

(6) Projected exports to Israel of the product if harama were eliminated.

3. Instructions for Submitting Comments:

Comments should be typewritten and submitted in 10 copies to: Linda Silverman at the address indicated above. Comments should be received by April 20, 1990, to ensure adequate consideration.

Any submissions which include business confidential material must be clearly marked as such on the cover paper (or letter) and succeeding pages. Such submissions must be accompanied by a nonconfidential summary. Nonconfidential information received will be available for public inspection by appointment in the USTR Reading Room, 600 17th Street, NW., room 101, Washington, DC, Monday through Friday, 10 a.m. to 12 noon and 1 p.m. to 4 p.m. For an appointment call Brenda Webb on (202) 395–6186.

David Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 90–4311 Filed 2–26–90; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street NW., Washington, DC 20549

Extension

Rule 24f–3, file No. 270–307
Rule 26a–3, file No. 270–293
Form N–7, file No. 270–299
Form N–8B–2, file No. 270–186

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval proposed Rules 24f–3 and 26a–3, proposed Form N–7 and Form N–8B–2 under the Investment Company Act of 1940.

Rule 24f–3 would simplify and streamline the procedures for registering unit investment trust securities sold in the secondary market and consolidate the information required to be filed annually by each series of a unit investment trust. Each of the 500 respondents would incur an estimated two burden hours annually complying with the rule.

Rule 26a–3 would codify standards for granting exemptive relief from provisions of the Investment Company Act to permit insurance company separate accounts to impose "risk charges" in connection with variable annunity contacts. Thirty respondents would each spend about eight hours, annually, complying with the requirements of the rule.

Form N–7 is a registration statement for use by unit investment trusts other than insurance company separate accounts to register as investment companies under the Investment Company Act of 1940 and to register their securities for sale to the public under the Securities Act of 1933. The 2,000 filers would each incur an estimated 104 hours, annually, complying with the requirements of the form.

Form N–8B–2 is the registration statement form used by unit investment trusts currently issuing securities to register under the Investment Company Act of 1940. An average of 22 filers each spend approximately 1,626 hours per year filling out the form.

The estimates of average burden hours are made solely for the purpose of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–6004, and Gary Waxman, Clearance Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (Paperwork Reduction Projects 3235–0348 (Rule 24f–3), 3235–0333 (Rule 26a–3), 3235–0338 (Form N–7) and 3235–

0186 (Form N–8B–2), Room 3208 NEOB, Washington, DC 20503.

Dated: February 21, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4369 Filed 2–26–90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27715; File No. SR-CSE-90-01]

Self-Regulatory Organizations; Notice of Proposed Rule Change by Cincinnati Stock Exchange, Inc. Relating to its Membership Proficiency Examination

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 16, 1990, the Cincinnati Stock Exchange ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend Exchange Rule 5.1, and Interpretation and Policy .01 thereunder, as set forth below. [Additions italicized; deletions bracketed]

Article II

Section 5. Restrictions on Admittance to or Continuance in Membership and Association.

5.1 General Restrictions.

(a)(1)—(3) No Change.

(b) No natural person or registered broker or dealer shall be admitted as, or be entitled to continue as, a member or an associated person of a member unless such person or broker or dealer meets the standards of training, experience and competence *as the Exchange may prescribe.* [required by the Commission for registration as a broker or dealer and any such standards as may be required by Exchange Rules.] Each member shall have the responsibility and the duty to ascertain by investigation the good character, business repute, qualifications and experience of any person applying for registration with the Exchange as an associated person of the member.

Interpretations and Policies

.01 *(a) The Exchange requires the successful completion of a written proficiency examination to enable it to examine and verify that prospective members and associated persons of members have adequate training, experience and competence to comply with the Rules and policies of the Exchange.*

[CSE uses The General Securities Representative ("Series 7") Examination administered by the NASD to ensure that members and associated persons of members have adequate training, experience and competence in the securities business to comply with the Rules and policies of the Exchange and to properly serve the public.]

(b) The Exchange may, in exceptional cases and where good cause is shown, waive such proficiency examinations as are required by the Exchange upon written request of the applicant and accept other standards as evidence of an applicant's qualifications. Advanced age, physical infirmity or experience in fields ancillary to the securities business will not individually of themselves constitute sufficient grounds to waive a proficiency examination.

(c) The Exchange requires the General Securities Representative Examination ("Series 7") in qualifying persons seeking registration as general securities representatives.

.02 No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The CSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently, the Rules of the Exchange require that a prospective member successfully complete the General Securities Representative ("Series 7") Examination administered by the National Association of Securities Dealers ("NASD") before becoming eligible for admittance to the Exchange as a member. The proposed amendment to Exchange Rule 5.1, and Interpretation and Policy .01 thereunder, reflects the CSE's concern that the Series 7 examination, because it is directed at the qualification of registered representatives, lacks adequate coverage of the specific trading and regulatory responsibilities attendant to membership on the Exchange. Therefore, the CSE has developed its own proficiency examination for prospective members. Because the Exchange believes that the overall objective of the proficiency examination is to guard against the impairment of public and member confidence in the integrity of the Exchange and the securities markets, the Exchange believes that its own examination will better gauge a prospective member's ability to understand the rights and responsibilities of Exchange membership.

The proficiency examination developed by the Exchange is similar to examinations administered by other national securities exchanges.[1] The CSE examination is intended to assure that prospective members have adequate training, experience and competence to comply with rules unique to the Exchange. In additon, it covers general regulatory requirements set out in the Act.

Furthermore, the proposed waiver provision contained in .01(b) is intended to provide the Membership Committee with the power to excuse prospective members from taking the proficiency examination when it otherwise can be determined that an applicant is qualified, and where completion of the examination would be redundant and needlessly burdensome. This waiver would be wielded judiciously where good cause is demonstrated.

The Exchange believes that the proposed rule change is consistent with the section 6(b)(5) requirement of the act which provides that the rules of the Exchange promote just and equitable principles of trade, and protect investors and promote the public interest by assuring that only those individuals and firms that have demonstrated a substantive and thorough knowledge of the Exchange's Rules and Policies be granted the privilege of membership. In addition, the proposed rule change is consistent with section 6(c)(3)(B) of the Act, which sets forth the basis upon which a national securities exchange may deny membership to, or condition the membership of, a registered broker or dealer, or may bar a natural person from becoming a member or associated

[1] *See, e.g.,* Rule 304A of the New York Stock Exchange, Inc., Rule IX, Sec. 3(c) of the Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc. Rule 901.

with a member, or condition the membership of a natural person or association of a natural person with a member of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to File No. SR-CSE-90-01 and should be submitted by March 20, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 20, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-4368 Filed 2-26-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27716; SR-NSCC-90-01]

Self-Regulatory Organizations; National Securities Clearing Corp.; Filing of Proposed Rule Change Relating to the Admission to Securities Clearing Group of Boston Stock Exchange Clearing Corp. and MBS Clearing Corp.

February 21, 1990.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 19, 1990, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-NSCC-90-01) as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is summarized below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC has included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change consists of two amendments to the agreement entered into by the Securities Clearing Group ("SCG") on October 19, 1988. These proposed amendments to that agreement ("SCG Agreement") would: (1) allow Boston Securities Exchange Clearing Corporation ("BSECC") and MBS Clearing Corporation ("MBSCC") to become Members of SCG, and (2) modify SCG's "notice" provisions by centralizing distribution of notice through the Secretary of SCG.

The SCG was organized informally in 1988 by seven clearing agency self-regulatory organizations (NSCC, The Depository Trust Company, Midwest Clearing Corporation, Midwest Securities Trust Company, Options Clearing Corporation, Philadelphia Depository Trust Company, and Stock Clearing Corporation of Philadelphia). It was formally organized pursuant to Commission order dated July 18, 1989.[1] One of the stated goals of SCG is to identify and create procedures to minimize risks posed by participants in more than one clearing agency self-regulatory organization. In order to achieve this goal, SCG shares appropriate financial, operational and clearing data on common participants.

The SCG Agreement sets forth the purposes of SCG, the methods of participation in SCG, and the legal considerations relevant to SCG goals. The authority for NSCC to enter into the SCG Agreement was granted by the Commission order dated July 18, 1989.[2] This Commission order also granted such authority to the six other SCG members.

At an SCG meeting held on November 9, 1989, the SCG members voted to allow BSECC and MBSCC, which are both registered clearing agencies and self-regulatory organizations ("SROs") as defined in sections 3(a)(23)(A) and 3(a)(26), respectively, of the Act, to become parties to the SCG Agreement. The SCG and NSCC believe that these two entities' participation in the SCG will enhance the goals of SCG as a whole. In its order of July 18, 1989, the Commission stated that a "nexus" exists among SCG-SROs because of: (1) common participants, (2) interfaces through which clearing agencies offer access to participants in or services offered by other clearing agencies, (3) shared operational and financial exposure and (4) common regulatory responsibilities. The Commission also stated that the development of a formal structure to further these entities' obligations is in accordance with the National Clearance and Settlement System.

BSECC is a clearing corporation affiliated with the Boston Stock Exchange, and MBSCC was formed by the Midwest Stock Exchange for the

[1] *See* Securities Exchange Act Release No. 27044 (July 18, 1989), 54 FR 30963 (File No. SR-NSCC-88-09).

[2] *Id.*

purpose of clearing mortgage-backed securities. Both BSECC and MBSCC have participants in common with other SCG Members and, thus, share their operational and financial exposure. Their inclusion in SCG also will expand the sources for information sharing, thereby further enabling SCG to minimize risks to the clearing system.

When SCG was formed, its founders intended that its membership would be expanded,[3] and pursuant to the terms of the SCG Agreement, all current SCG Members have voted to allow BSECC and MBSCC to become members. Both BSECC and MBSCC have agreed to abide by the terms of the SCG Agreement.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File Number SR–NSCC–90–01 and should be submitted by March 20, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4366 Filed 2–26–90; 8:45 am]

BILLING CODE 8010–01–M

[3] *See, id.*

[Rel. No. IC–17345; 811–5711]

Dreyfus Growth and Income Fund, Inc.; Application for Deregistration

February 20, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Dreyfus Growth and Income Fund, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order delcaring that it has ceased to be an investment company under the 1940 Act.

FILING DATES: The application on Form N–8F was filed on January 16, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1990 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC, 20549. Applicant, 666 Old Country Road, Garden City, New York 10153.

FOR FURTHER INFORMATION CONTACT: Patricia Copeland, Legal Technician, (202) 272–3009, or Jeremy Rubenstein, Branch Chief, (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or contacting the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is a closed-end diversified management investment company incorporated under the laws of the state of Maryland. On December 15, 1988, applicant filed a notification of registration on Form N–8A pursuant to Section 8(a) of the 1940 Act. On the same date, applicant filed a registration statement on Form N–2 under the Securities Act of 1933. The registration statement never became effective and was withdrawn by applicant on January 21, 1990. Applicant has never made a public offering of its securities.

2. Applicant has no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Aplicant is not engaged nor does it propose to engage in any business activities other than those necessary to wind up its affairs.

For the Commission, by the Division of Investment Management, under delegatged authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4367 Filed 2–26–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–17343; File No. 812–7471]

Monarch Life Insurance Co., et al.

February 16, 1990.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Monarch Life Insurance Company ("Monarch Life"), Monarch Life Insurance Company Separate Account VA–1 ("Fund VA–1"), and Monarch Financial Services, Inc. ("MFSI").

RELEVANT 1940 ACT SECTION: Exemption requested under section 6(c) from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the deduction of a mortality and expense risk charge from the assets of Fund VA–1.

FILING DATE: The Application was filed on January 31, 1990.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC no later than 5:30 p.m. on March 13, 1990. Request a hearing in writing, giving the nature of your interest, the reasons for the request, and the issues contested. Serve Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Raymond A. Terfera, Esq., One Monarch Place, Springfield, MA 01133.

FOR FURTHER INFORMATION CONTACT: Michael V. Wible, Staff Attorney, at (202) 272–2026, or Heidi Stam, Special Counsel, at (202) 272–2060 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicants' Representations

1. Monarch Life, a wholly owned subsidiary of Monarch Capital Corporation, is a stock life insurance company organized under the laws of the Commonwealth of Massachusetts. Monarch Life authorized the creation of Fund VA–1 on October 20, 1987, to fund flexible purchase payment annuity contracts and single purchase payment immediate annuity contracts (collectively, the "Contracts").

2. MFSI, a wholly owned subsidiary of Monarch Capital Corporation, is a broker-dealer registered under the Securities Exchange Act of 1934. MFSI will be the principal underwriter of the Contracts.

3. The Contracts will be issued in connection with various types of retirement plans or individual retirement arrangements, including those qualifying for tax treatment pursuant to the provisions of Sections 401, 403, 408 or 457 of the Internal Revenue Code of 1986, as amended (the "Code"), and those which do not so qualify.

4. The Fund VA–1 will be divided into seven subaccounts, each of which will invest in a separate investment portfolio of Variable Insurance Products Fund ("VIPF") or Variable Insurance Products Fund II ("VIPF–II"). VIPF and VIPF–II are no-load, open-end, diversified, series management investment companies registered under the 1940 Act.

5. The initial purchase payment for any Contract providing for the payment of a deferred benefit will be at least $1,000. The minimum purchase payment for a Contract providing for the payment of an immediate benefit will be $10,000. For Qualified Contracts issued pursuant to section 408 of the Code, the initial purchase payment will not be less than the additional deductible amount allowed by law for non-working spouses, currently $250. Subsequent purchase payments in either case must be at least $100.

6. An annual Contract maintenance charge ("Annual Contract Maintenance Charge") of $30 will be assessed each Contract during each Contract year during the accumulation period. The Annual Contract Maintenance Charge is for administrative services, which do not include expenses of distributing the Contracts. Monarch Life estimates that this charge will represent a portion of the actual cost of providing administrative services. In the case of a total withdrawal occurring 31 or more days after the beginning of a Contract year, the full charge of $30 will be deducted.

7. The Company will also charge an administrative charge (the "Administrative Charge"), which is assessed daily against Fund VA–1 at an annual rate of 0.15 percent. Monarch Life estimates that this charge will represent a portion of the actual cost of providing administrative services.

8. Both the Annual Contract Maintenance Charge and the Administrative Charge are guaranteed and may not be increased by Monarch Life. The Applicants will rely on Rule 26a–1 under the Act for the necessary exemptive relief to charge both the Annual Contract Maintenance Charge and the Administrative Charge.

9. No deduction for distribution or sales expense charges will be imposed upon purchase payments when received by Monarch Life. Rather, Monarch Life seeks to recoup some or all of such distribution expenses from a withdrawal charge ("Withdrawal Charge"). The Contracts will allow each owner to withdraw his or her interest in a Contract in whole or in part prior to the date annuity payments commence. The withdrawal value of a Contract will be determined as of the valuation date next following the date that the signed written request to surrender is received by Monarch Life. In the event that a withdrawal exceeds the withdrawal privilege amount, a withdrawal charge will be imposed in accordance with the following schedule:

Contract anniversary since purchase payments made	Applicable withdrawal charge percentage
0	5
1	4
2	3
3	2
4	1
5+	0

The withdrawal privilege amount is equal to the sum of 10 percent of new purchase payments plus 100 percent of the excess of the value of a Contract over new purchase payments not previously withdrawn. New purchase payments are purchase payments made in the current and four previous Contract years. Applicants will rely on Rule 6c–8 under the Act for the necessary exemptive relief to permit imposition of the Withdrawal Charge. The cumulative total of all withdrawal charges is guaranteed never to exceed 5 percent of the owner's purchase payments.

10. In addition to the Administrative Charge and the Annual Contract Maintenance Charge, a risk charge ("Risk Charge") will be assessed daily against the Fund VA–1 at an annual rate of 1.10 percent (approximately 0.70 percent for mortality risks and approximately 0.40 percent for expense risks). The Risk Charge is guaranteed and may not be increased by Monarch Life. Applicants state that the mortality component (approximately 0.70 percent) of the Risk Charge is intended to compensate Monarch Life for assuming the risk that their actuarial estimate of mortality rates may prove erroneous i.e., the risk that a beneficiary may receive annuity benefits for a period longer than those reflected in the Contract's guaranteed annuity rates or may die at a time when the death benefit guaranteed by the Contract is higher than the accumulation value of the participant's Contract. The expense component (approximately 0.40 percent of the Risk Charge is intended to compensate Monarch Life for assuming the risk that administrative charges, which are

guaranteed not to increase, may prove insufficient to cover expenses actually incurred.

11. Applicants represent that the level of the Risk Charge is reasonable in relation to the risks assumed by Applicants under the Contracts and within the range of industry practice for comparable annuity contracts. This representation is based upon Monarch Life's analysis of publicly available information about such contracts, taking into consideration the particular annuity features of comparable contracts, including such factors as current charge levels, charge level guarantees or annuity rate guarantees, the manner in which the charges are imposed, and the markets in which the contracts are offered. Applicants state that Monarch Life has incorporated the identity of the products analyzed and its analysis, including its methodology and results, into a memorandum which it will maintain and make available to the Commission or its staff upon request.

12. Applicants represent that the Withdrawal Charge assessed in connection with certain partial or total withdrawals may be insufficient to cover all costs of distributing the Contracts. Applicants state that if the actual amounts derived from the Withdrawal Charge prove insufficient to cover the actual costs of distributing the Contracts, the deficiency will be met from Monarch Life's general corporate funds, including amounts, if any, derived from the Risk Charge not otherwise applied to the expenses the Risk Charge was designed to defray. Applicants represent that Monarch Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangement will benefit Fund VA–1 and the owners of the Contracts, and state that the basis for this conclusion has been incorporated in a memorandum which Monarch Life will maintain and make available to the Commission or its staff upon request.

13. Applicants represent that the assets of Fund VA–1 will be invested only in management investment companies which undertake, in the event they should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the 1940 Act, to have such plan formulated and approved by its board of directors, the majority of whom are not "interested persons" of the management investment company within the meaning of section 2(a)(19) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4361 Filed 2–26–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25043]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 16, 1990.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 12, 1990 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central and South West Corporation (70–7739)

Notice of Proposal to Amend Certificate of Incorporation and By-Laws; Order Authorizing Proxy Solicitation

Central and South West Corporation ("CSW"), 2121 San Jacinto Street, Suite 2500, Dallas, Texas 75202, a registered holding company, has filed a declaration pursuant to sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 thereunder.

CSW proposes to amend its Restated Certificate of Incorporation ("Certificate") and to make conforming amendments to its By-Laws, where appropriate, which would: (1) Increase the authorized number of shares of common stock from 120 million shares to 150 million shares (as of December 31, 1989 CSW has 94,095,441 shares of common stock issued and outstanding); (2) eliminate the cumulative voting rights of holders of CSW common stock; (3) provide for a board of directors ("Board") divided into three classes, each serving a three-year term with one class being elected each year; provided that, the number of directors be not less than 9 nor more than 15, such number to be set by the Board from time-to-time; and provided that, in case of any vacancy in any class of directors, or increase in the size of the Board, the directors then in office may, by a majority vote, fill such vacancy; (4) add a "fair price" provision requiring that certain price and procedural requirements be met by any party which acquires a significant amount of CSW's common stock and then seeks to accomplish a merger or other business combination involving CSW; (5) eliminate certain preemptive rights of holders of CSW common stock; (6) add a "supermajority" voting provision requiring the affirmative vote of at least 80% of the stockholders to amend or repeal certain provisions of the Certificate; and (7) restate the Certificate to include the proposed amendments.

The proposed amendments must be authorized by vote of a majority of the holders of the outstanding shares of common stock entitled to vote at the annual meeting. CSW requests authority to solicit proxies from its shareholders for approval of the amendments at its annual meeting to be held on April 19, 1990. CSW has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation of proxies for voting by its stockholders on the proposal to amend and restate the Certificate and By-Laws, be permitted to become effective as provided in Rule 62(d).

It appearing to the Commission that CSW's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith, under Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-4364 Filed 2-26-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25042]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 16, 1990.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 12, 1990 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Columbia Gas System, Inc. (70-7223)

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a post-effective amendment to its declaration under sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

By prior Commission order, Columbia was authorized to issue and sell 3,000,000 shares of its common stock pursuant to its Dividend Reinvestment Plan through March 31, 1990 (HCAR No. 24076, April 29, 1986). As of December 31, 1989, 2,110,999 shares remain unissued. Columbia now proposes to extend the termination date for this authorization to March 30, 1995.

Allegheny Power System, Inc., et al. (70-7697)

Allegheny Power System, Inc. ("APS"), 320 Park Avenue, New York, New York 10022, a registered holding company, and its three wholly-owned public-utility subsidiary companies, Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, The Potomac Edison Company ("Potomac Edison"), Downsville Pike, Hagerstown, Maryland 21740, and West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, (subsidiary companies collectively, "APS Companies"), have filed an application-declaration under sections 6(a), 7, 9(a), 10, and 12(c) of the Act and Rules 43, 50, and 50(a)(5) thereunder.

Monongahela, Potomac Edison, and West Penn each propose to issue and sell up to $50 million, $130 million, and $130 million aggregate principal amount, respectively, of their first mortgage bonds ("Bonds") in one or more series, from time-to-time not later than February 29, 1992, with maturities of from five to thirty years.

Monongahela proposes to use all of the net proceeds derived from the issuance and sale of its Bonds to refund, prior to their respective maturities, $30 million aggregate principal amount of its First Mortgage Bonds, 9⅞ percent Series Due 2005, and/or $15 million aggregate principal amount of its First Mortgage Bonds, 9¾ percent Series Due 2000.

Potomac Edison proposes to use up to $50 million of the net proceeds derived from the issuance and sale of its Bonds to refund, prior to their respective maturities, $20 million aggregate principal amount of its First Mortgage Bonds, 9½ percent Series Due 2000, and/or $25 million aggregate principal amount of its First Mortgage Bonds, 9¼ percent Series Due 2006. Potomac Edison proposes to use the remainder of its proceeds of approximately up to $80 million for general corporate purposes, including the payment of certain construction expenditures and/or the retirement of short-term debt.

West Penn proposes to use up to $70 million of the net proceeds derived from the issuance and sale of its Bonds to refund, prior to their respective maturities, $25 million aggregate principal amount of its First Mortgage Bonds, 9⅝ percent Series Due 2000, and/or $40 million aggregate principal amount of its First Mortgage Bonds, 9¼ percent Series Due 2004. West Penn proposes to use the remainder of its proceeds of approximately up to $60 million for general corporate purposes, including the payment of certain construction expenditures and/or the retirement of short-term debt.

The APS Companies propose to issue and sell the Bonds pursuant to the alternate competitive bidding procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623). Monongahela, Potomac Edison, and West Penn each may, alternatively, by subsequent filing, seek Commission authority to negotiate the terms and conditions of the Bonds under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder.

The annual interest rate to be borne by each series and the price to be paid to the issuer (which shall not be less than 94 percent and shall not exceed 101.75 percent of principal amount), or the compensation to be paid to the underwriters, will be determined, either by: (1) Competitive bidding; (2) negotiations between the issuer and private investors under an exception from competitive bidding; or (3) negotiations with underwriters for the sale of such series also under an exception from competitive bidding.

APS proposes to make additional equity investments in Monongahela, Potomac Edison, and West Penn through the purchase of additional shares of common stock of each of the APS Companies, at any time and from time-to-time until February 29, 1992. APS proposes to make such purchases of additional shares of common stock of Monongahela, Potomac Edison, and West Penn, in amounts of up to 400,000, 1.25 million, and 1.25 million, respectively, at a cash purchase price of $50, $20, and $20 per share, respectively. The APS Companies state that they will use the proceeds from the issuance and sale of the additional shares of each company's common stock for general corporate purposes, including the payment of certain construction expenditures and the retirement of short-term debt.

West Penn also proposes to amend its charter to increase the number of its authorized shares of common stock from 16.5 million shares to 20 million shares.

Columbus Southern Power Company (70-7699)

Columbus Southern Power Company ("CSPCo") 215 North Front Street, Columbus, Ohio 43215, a subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration under sections 6(a) and 7

of the Act and Rules 50 and 50(a)(5) thereunder.

CSPCo proposes to issue and sell from time-to-time through December 31, 1990: (1) First mortgage bonds ("Bonds"); (2) medium term notes as first mortgage bonds ("MTNs"); and (3) unsecured promissory notes ("Notes") to one or more commercial banks or other financial institutions pursuant to a term loan agreement, provided that the aggregate principal amount of all Bonds, MTNs and/or Notes to be issued does not exceed $175 million.

The Bonds will be issued in one or more series, each with a maturity of not less than 5 years and not more than 30 years, by competitive bidding carried out in accordance with the requirements of Rule 50 under the Act. Alternately, CSPCo proposes to issue and sell the Bonds pursuant to the alternate competitive bidding procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623). If market conditions should not be propitious for the sale of the Bonds on a competitive bidding basis, CSPCo proposes, subject to further authorization by the Commission, either to place the Bonds privately with institutional investors or to negotiate with underwriters for the sale of the Bonds under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder. If CSPCo determines to issue the Bonds in more than one series, CSPCo may wish to sell one or more series on a competitive bidding basis and one or more series on a negotiated basis.

The MTNs will be issued in one or more series, each with a maturity of not less than nine months and not more than 30 years. CSPCo requests an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) to begin negotiations with prospective purchasers with respect to the MTNs. It may do so.

The Notes will have a maturity not less than nine months nor more than twelve years. The proposed term loan agreement would provide that the Notes bear interest at either a fixed rate, floating rate or combination thereof. CSPCo requests an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder in connection with the issuance of the Notes.

In addition to the issuance of the Bonds, MTNs and/or Notes, CSPCo proposes to issue and sell in one or more series from time-to-time through December 31, 1990, up to $75 million aggregate par value of its Cumulative Preferred Stock, par value $25 or $100 per share ("Preferred"). The dividend rate for the Preferred will be determined at the time of sale(s) by the competitive bidding procedures of Rule 50. Alternatively, CSPCo proposes to issue and sell the Preferred pursuant to the alternate competitive bidding procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623). If market conditions should not be propitious for the sale of the Preferred on a competitive bidding basis, CSPCo proposes, either to place the Preferred privately with institutional investors or to negotiate with underwriters for the sale of the Preferred under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder.

Any proceeds realized from the sale of the Bonds, MTNs, the Notes and/or the Preferred will be used to pay at maturity and to refund long-term debt, to redeem all outstanding preferred and preference stock, to repay unsecured short-term indebtedness of CSPCo at or prior to maturity, or for other corporate purposes permitted by law, including sinking fund payments.

After all outstanding preferred and preference stock of CSPCo is redeemed, CSPCo proposes to amend and restate its Amended Articles of Incorporation to provide, among other things, to moderate the unsecured indebtedness restriction presently contained therein so that it may in the future issue unsecured indebtedness up to 20% of its capitalization, whether short-term or long-term.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-4365 Filed 2-6-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17344; 811-4191]

Transamerica Bond Fund; Notice of Application

February 20, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Transamerica Bond Fund.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order withdrawing one of its two registrations as an investment company under the 1940 Act.

FILING DATE: The application on Form N-8F was filed on February 2, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1990, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 1000 Louisiana, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Robert B. Carroll, Staff Attorney, (202) 272-3043, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or contacting the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. On November 27, 1984, applicant was organized as a business trust under the laws of the Commonwealth of Massachusetts. On December 28, 1984, applicant filed a Notification of Registration pursuant to section 8(a) of the 1940 Act. On February 20, 1985, applicant acquired all of the assets of Investment Quality Interest, Inc., ("IQI"), an open-end, diversified management investment company organized under Texas law. The sale of IQI's assets (the "Reorganization") was approved by the shareholders of IQI in accordance with Texas law on January 28, 1985.

2. Pursuant to the Reorganization, IQI transferred all of its assets to applicant in exchange for a number of shares of the applicant equal to the number of shares of common stock of IQI then outstanding (the "Shares") and the assumption by applicant of all of the liabilities and obligations of IQI. IQI subsequently distributed the Shares received in such exchange to its

shareholders in complete liquidiation and dissolved in accordance with Texas law.

3. As a result of the Reorganization, each shareholder of IQI received, in exchange for and in cancellation of shares of IQI held by the shareholder immediately prior to the Reorganization, Shares in an amount and having a net asset value equal to the amount and net asset value of such IQI shares. No brokerage commissions were paid in connection with the Reorganization.

4. IQI has been registered under section 8(b) of the 1940 Act since March 10, 1980. By means of a post-effective amendment filed by applicant as IQI's successor, which became effective on February 20, 1985, the current registration statement of IQI on Form N–1A was amended to reflect the change in legal form of the registrant and all additional information necessary to comply with Rule 414(d) under the Securities Act of 1933 (the "1933 Act"). Applicant expressly adopted the amended registration statement as its own for all purposes under the 1933 Act, the Securities Exchange Act of 1934, and the 1940 Act. Accordingly, applicant succeeded to the 1933 Act registration and 1940 Act registration of IQI. Applicant never filed a registration statement pursuant to section 8(b) of the 1940 Act because of the consummation of the Reorganization.

5. Applicant currently has two 1940 Act registration numbers: the number originally assigned to it in 1985 when it filed a Notification of Registration pursuant to section 8(a) (File No. 811–4191) and IQI's registration number to which it succeeded in connection with the Reorganization (File No. 811–3006). Applicant seeks withdrawal of its original registration (File No. 811–4191).

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4362 Filed 2–26–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17346; 812–7356]

U.S. Boston Investment Company et al.; Notice of Application

February 20, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: U.S. Boston Investment Company (the "Fund") and each future open-end management investment company in the same group of investment companies for which U.S. Boston Investment Management Corporation (the "Manager"), U.S. Boston Capital Corporation (the "Distributor"), or one of their affiliates (as defined in section 2(a)(3) of the 1940 Act) serves as investment adviser or principal underwriter, and which holds itself out to investors as a related company for purposes of investment and investor services (the Fund and such future companies, the "Funds," and together with the Manager and Distributor, the "Applicants").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) of the 1940 Act from the provision of section 18(f), 18(g), and 18(i) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants are requesting an order of the SEC to permit the Funds to issue and sell two classes of shares representing interests in the same portfolio of securities. The two classes would be identical in all respects except for differences related to distribution expenses, transfer agency costs and any other incremental expenses, voting rights, exchange privileges, and class designation.

FILING DATE: The application was filed on July 11, 1989, and amended on December 18, 1989, and January 23, and February 9, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by SEC by 5:30 p.m. on March 19, 1990, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, Six New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Regina N. Hamilton, Staff Attorney, at (202) 272–3024, or Stephanie Monaco, Branch Chief, at (202) 272–3030.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicants' Representations

1. The Fund is an open-end, non-diversified investment company organized as a Massachusetts business trust under the laws of The Commonwealth of Massachusetts by an Agreement and Declaration of Trust dated June 27, 1983. The Fund has an unlimited authorized number of shares of beneficial interest, which may be divided into an unlimited number of series of shares. The shares currently are divided into two series. Each series represents interests in one of the Fund's two portfolios ("Portfolios"): Boston Growth and Income and Boston Foreign Growth and Income.

2. Interests in the Portfolios are each currently represented by a single class of existing shares (the "Existing Shares"). Each class of Existing Shares is principally offered and sold by the Distributor to individuals pursuant to a plan of distribution adopted under Rule 12b–1 under the 1940 Act (the "12b–1 Plan"). Existing Shares are also subject to a 1.00% fee payable to the Distributor upon redemption (the "Deferred Sales Charge"). The Deferred Sales Charge is used to pay overhead expenses related to distributing shares. Other than the fees paid under the 12b–1 Plan and the Deferred Sales Charge, no other sales load is imposed on the purchase of the Existing Shares.

3. The Fund proposes to offer a second class of shares ("Class A Shares") in each Portfolio to permit the Fund to market each Portfolio to a different category of investor that would share a common investment goal compatible with the investment objective and policies of the applicable Portfolio. The Class A Shares would be offered and sold to investors investing at least $1,000,000 in the Fund. The Class A Shares would not be subject to 12b–1 Plan expenses, the Deferred Sales Charge, or any other sales load.

4. Under the Applicants' proposal each share in a Portfolio would represent an equal *pro rata* interest in the Portfolio and would have identical voting, dividend, liquidation and other rights, preferences, powers, restrictions, limitations, qualifications, designations, terms, and conditions, except that: (a) The Existing Shares offered in connection with the 12b–1 Plan would bear the expense of that Plan; (b) only the holders of the Existing Shares would be entitled to vote on matters pertaining to the 12b–1 Plan; (c) only the Existing

Shares will be subject to the Deferred Sales Charge; (d) the two classes will have different exchange privileges; (e) the two classes will bear different transfer agency fees based upon the cost of providing services to each class; and (f) different incremental expenses may be identified for each class in the future and allocated to each class pursuant to SEC approval in an amended order.

5. Pursuant to the 12b–1 Plan and the distribution agreement with the Distributor, the Fund pays the Distributor a monthly fee at the annual rate of 0.5% of the average net assets attributed to the Existing Shares. In addition, the 12b–1 Plan currently permits the Fund to pay or reimburse the Distributor for the cost of preparing and printing Fund prospectuses and shareholder reports used by the Distributor in the sale of Existing Shares, provided the total annual payments under the 12b–1 Plan, including the Distributor's 0.5% fee, do not exceed 0.6% of the average net assets of the Existing Shares. However, with the creation of Class A, the Distributor has agreed to waive permanently receipt of any payment for such preparation and printing, such that these costs will no longer be reimbursable from fees paid under the 12b–1 Plan. Instead, the Manager will bear the expenses of preparing, printing, and distributing shareholder reports used in distributing both classes of shares, and any other distribution-related expenses relating to Class A Shares. Similarly, the Manager will bear all expenses of any sales literature. Neither sales agents nor any other person will receive any compensation for selling the Class A Shares and servicing the purchasers of such Shares. The Class A Shares will be marketed by the senior officers of the Distributor, generally to consultants acting on behalf of wealthy clients. No special compensation will be paid by the Fund or the Distributor, to either the officers of the Distributor or the consultants. Neither the consultants nor their clients will be subject to any servicing plans or related agreements. Applicants expect that most of the institutions purchasing the Class A shares will be referred to the Manager by the sub-advisers, the consultants, or satisfied institutional investors.

6. Expenses of the Fund which are directly attributable to the operations of a particular portfolio *(e.g.,* management, 12b–1 Plan, transfer agency, and custodian fees) would continue to be allocated to that Portfolio. Expenses that are indirectly attributable to the operations of a Portfolio (*e.g.,* trustee, insurance, audit, and legal fees) would continue to be allocated among the Portfolios of the Fund based upon the relative net assets of each Portfolio. Expenses allocated to a Portfolio would be borne *pro rata* by a Portfolio's shareholders, except that the 12b–1 Plan expenses of the fund would be allocated to the Existing Shares and would not be borne by holders of the class A Shares. Moreover, each class would bear its own transfer agent fees.

7. The Fund will calculate separate net asset values for the Existing Shares and the Class A Shares. Although calculated separately, the net asset value per share of the Class A Shares would be calculated as for the Existing Shares, and would be determined on the same days and at the same times that the net asset value of the Existing Shares is determined.

8. Because the 12b–1 Plan expenses would be borne solely by the Existing Shares, the net income of (and dividends payable to) the Existing Shares would be somewhat lower than the net income of the class A Shares. Dividends paid to all shares in a Portfolio would, however, be declared on the same days and at the same times. For both classes, each Portfolio would annually pay as dividends substantially all of its net investment income and would distribute annually substantially all of its net realized capital gains, if any, after giving effect to any available captial loss carryover. All dividends and/or distributions paid by a Portfolio will be paid in shares of that Portfolio, or, at the election of a shareholder, in cash.

9. Under Applicants' proposal, holders of Existing Shares of each Portfolio may only exchange their shares for Existing Shares of another Portfolio, and holders of Class A Shares may only exchange the Class A Shares for Class A Shares of another Portfolio. No exchanges will be permitted from one class of shares to another. The $5 fee payable on exchanges will apply to each class.

Applicant's Legal Conclusions

1. Applicants believe that the proposed arrangement would permit them to tailor their marketing and distribution activities to a broader segment of the capital markets than currently possible. The Applicants would be able to maintain the sales activities and services currently provided to smaller individual customers and simultaneously expand their marketing and sale activities to attract substantial investors to an investment company whose assets presently are small. The Fund's current and prospective individual customers would continue to enjoy not only the benefits of such services, but also the potential improved investment performance resulting from the Fund's ability to invest in larger blocks of portfolio securities. Moreover, all holders of the Existing Shares and the Class A Shares would bear a portion of the fixed costs associated with open-end management investment companies, and such costs would potentially be spread over a larger asset base than would otherwise be the case.

2. Applicant's proposal does not present the type of abuses Section 18 was intended to redress. It neither involves borrowings, nor will it increase the speculative character of shares in a Portfolio. It will not affect the Fund's existing assets or reserves, and does not involve a complex capital structure. Nothing in the proposal suggests that it will facilitate control by holders of either class of shares.

3. The proposed allocation of expenses and voting rights relating to the 12b–1 Plan and distribution agreement in the manner described is equitable and would not discriminate against any group of shareholders. Investors purchasing Existing Shares offered in connection with the 12b–1 Plan and receiving the services provided under the 12b–1 Plan would bear the costs associated with such services. They would also enjoy exclusive shareholder voting rights with respect to matters affecting the 12b–1 Plan.

4. Similarly, the Deferred Sales Charge payable to the Distributor would only be assessed against the Existing Shares. This charge would be equitable and nondiscriminatory because it constitutes compensation to the distributor for its efforts in selling and servicing Existing Shares which are and would be sold in relatively small amounts to individuals.

5. The rights and privileges of the Existing Shares and the Class A Shares would be virtually idential. Therefore, the possibility that their interests would ever conflict would be remote. Since the methodology of allocating direct and indirect expenses will be predetermined, Applicants do not foresee any conflicts between the two classes of shares. Moreover, Applicants' proposal does not officer prospective investors a choice of purchasing one class or the other. Given the lack of foreseeable conflict, and since providing for equal ownership of shares by the trustee would require an individual serving as trustee to purchase $1 million of Class A Shares, Applicants have not proposed to impose such a burden on the trustees. The interests of all of the shareholders in a Portfolio are further protected by the requirements of Rule 12b–1.

6. The expenses of the Portfolios would be borne equitably by each class and the methodology has been approved by an independent expert initially and would continue to be approved on an annual basis. Moreover, to the extent that the Fund is able, through the proposed arrangement, to maintain and expand its current shareholder base, owners of both the Class A Shares and the Existing Shares would benefit to the extent that the Fund's *pro rata* operating expenses per share are lower than they would be otherwise.

7. Applicants have proposed appropriate steps to ensure that the respective per share net asset values, investment performance, and total return to shareholders are disclosed to shareholders adequately and accurately in the prospectus and shareholder reports.

Conditions to Relief Requested

Applicants agree that the conditions listed below may be imposed in any order of the SEC granting the requested relief:

1. The Existing Shares and the Class A Shares would represent interests in the same portfolio of investments of a Portfolio, and be identical in all respects, except as set forth below. The only differences between the Existing Shares and the Class A Shares of the same Portfolio would relate solely to: (a) Priorities with respect to the payment of dividends and such priorities would reflect only the impact of the 12b–1 Plan distribution fee payments made by the Existing Shares of a Portfolio, any transfer agency costs paid by each class, and any other incremental expenses subsequently identified that should be properly allocated to one class which shall be approved by the SEC pursuant to an amended order; [1] (b) voting rights on matters which pertain to a 12b–1 Plan; (c) the different exchange privileges of the Class A and Existing Shares as described in the prospectus and statement of additional information of the Fund and consistent with any order granted pursuant to this application; and (d) the designation of each class of shares of a Portfolio.

2. The trustees of the Fund, including a majority of the independent trustees, would approve the issuance of the two classes and at least a majority of the existing shareholders of each Portfolio would approve the two classes by an affirmative vote prior to implementation. The minutes of the meetings of the trustees of the Fund regarding the deliberations of the trustees with respect to the approvals necessary to implement the two classes would reflect in detail the reasons for determining that the proposed two classes are in the best interests of both the Fund and its shareholders and such minutes would be available for inspection by the SEC staff.

3. On an ongoing basis, the trustees of the Fund, pursuant to their fiduciary responsibilities under the 1940 Act and otherwise, would monitor each Portfolio for the existence of any material conflicts between the interests of the two classes of shares. The trustees, including a majority of the independent trustees, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Manager and Distributor would be responsible for reporting any potential or existing conflicts to the trustees. If a conflict arises, the Manager and the Distributor at their own cost would remedy such conflict, up to and including establishing a new registered management investment company.

4. The 12b–1 Plan relating to Existing Shares of each Portfolio have been or would be approved and reviewed by the Fund's trustees in accordance with the requirements and procedures set forth in Rule 12b–1, both currently and as that rule may be amended in the future. Any 12b–1 Plan adopted in connection with or subsequent to the implementation of the two classes (*i.e.*, by newly organized series) would be submitted to the shareholders participating in the plan for approval at the next meeting of shareholders after the commencement of operation of such Plan (such condition not being applicable to an existing Portfolio with an existing 12b–1 Plan which has already been submitted to shareholders for approval).

5. The trustees of the Fund would receive quarterly and annually statements complying with paragraph (b)(3)(ii) of Rule 12b–1, as it may be amended from time to time. In the statements, only distribution expenditures properly attributable to the sale of Existing Shares would be used to justify 12b–1 Plan fees. Expenditures not related to the sale of the Existing Shares would not be presented to the trustees to justify 12b–1 Plan fees. The statements, including the allocations upon which they are based, would be subject to the review and approval of the independent trustees in the exercise of their fiduciary duties under Rule12b–1.

6. Dividends paid by the Fund with respect to its Existing Shares and Class A Shares, to the extent any dividends are paid, would be calculated in the same manner, at the same time, on the same day, and would be in the same amount, except that distribution fee payments made by a Portfolio under its 12b–1 Plan and incremental costs, if any, relating to Existing Shares would be borne exclusively by that class.

7. The methodology and procedures for calculating the net asset value and dividend/distributions of the two classes and the proper allocation of expenses between the two classes has been reviewed by an expert (the "Expert") who has rendered a report to the Applicants, which has been provided to the staff of the SEC, that such methodology and procedures are adequate to ensure that such calculations and allocations would be made in an appropriate manner. On an on-going basis, the Expert, or an appropriate substitute Expert, would monitor the manner in which the calculations and allocations are being made and, based upon such review, would render at least annually a report to the Fund that the calculations and allocations are being made properly. The reports of the Expert would be filed as part of the periodic reports filed with the SEC pursuant to sections 30(a) and 30(b)(1) of the 1940 Act, and the work papers of the Expert with respect to such reports, following request by the Fund which the Fund agrees to provide, would be available for inspection by the SEC staff. The initial report of the Expert is a "Special Purpose" report on the "Design of a System" and the ongoing report would be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in Statement of Auditing Standards No. 44 of the American Institute of Certified Public Accountants ("AICPA"), as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

8. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividend/distributions of the two classes of shares and the proper allocation of expenses between the two classes of shares and this representation has been concurred with by the Expert in the initial report referred to in condition (7) above and would be concurred with by the Expert or an appropriate substitute Expert on an ongoing basis at least annually in the ongoing reports referred to in that condition. Applicants agree to take immediate corrective action if the Expert, or appropriate substitute Expert,

[1] Applicants are not currently aware of any such incremental expenses.

does not so concur in the ongoing reports.

9. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the trustees of the Fund with respect to the two classes of shares would be set forth in guidelines which would be furnished to the trustees and made a part of guidelines setting forth the duties and responsibilities of the trustees of the investment companies advised by the Manager.

10. The Fund would disclose the respective expenses, performance data, distribution arrangements, services, fees, sales loads, deferred sales loads, and exchange privileges applicable to each class of shares in every prospectus, regardless of whether all classes of shares are offered through each prospectus. The Fund would disclose the respective expenses and performance data applicable to all classes of shares in every shareholder report. To the extent any advertisement or sales literature describes the expenses or performance data applicable to any class of shares, it would also disclose the respective expenses and/or performance data applicable to all classes of shares. The information provided by Applicants for publication in any newspaper or similar listing of the Fund's net asset value and public offering price would present each class of shares separately.

11. The Applicants acknowledge that the grant of the exemptive order requested by the application would not imply SEC approval, authorization, or acquiesecene in any particular level of payments that the Fund may make pursuant to the 12b–1 Plans in reliance on the exemptive order.

12. The prospectus will describe the distinct expenses with respect to each class of shares and the related services provided to each class.

13. Applicants will comply with the SEC's Rule 6c–10 as adopted and as it may be revised.[2]

14. Applicants acknowledge that the grant of the exemptive order does not imply either SEC authorization of, or acquiescence in, any interpretation that the 1940 Act permits Applicants to impose the Deferred Sales Charge, or SEC approval of Applicants' reliance on such interpretation to impose the Deferred Sales Charge.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4363 Filed 2–26–90; 8:45 am]

BILLING CODE 8010–01–M

[2] Applicants represent that they did not seek an exemptive order from the SEC to impose the 1% Deferred Sales Charge because the amount charged is within the limits set forth in section 10(d) of the 1940 Act and redeeming investors therefore receive their approximate net asset value (*i.e.*, the Fund complies with the definition of "redeemable security" in section 2(a)(32) of the Act). They also rely on the staff's position stated in *Flag Investors Fund, Inc.* (pub. avail. Oct. 1, 1984) for authority to impose the charge.

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Veterans Business Affairs; Public Meeting

The U.S. Small Business Administration's Advisory Committee on Veterans Business Affairs will hold a public meeting at 10 a.m., on Thursday, March 22, 1990, at the U.S. Small Business Administration Headquarters, 1441 L Street, NW., Room 214, Washington, DC 20416, to discuss the following subjects:

(1) Statistical Information. What statistics are available on veteran owned business. What is being done to gather information on veteran owned business. What can be expected.

(2) Veteran Loans and Equity Capital. What can be done to increase the availability of capital and loan dollars for veteran entrepreneurs. What are the current problems and how can they be satisfactorily addressed.

(3) FY '91 Budget Review & Discussion of SBA's Budget Estimate and its Impact on Veterans Activity.

Members of the public wishing time to comment on these issues or want further information should write or call Leon J. Bechet, Director, Office of Veterans Affairs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416, (202) 653–8220.

Dated: February 13, 1990.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 90–4419 Filed 2–26–90; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Snohomish County, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Snohomish County, Washington.

FOR FURTHER INFORMATION CONTACT: Barry F. Morehead, Federal Highway Administration, Evergreen Plaza Building, Suite 501, 711 South Capitol Way, Olympia, Washington 98501, Telephone: (206) 753–2120; Dennis B. Ingham, Assistant Secretary for Program Development, Washington State Department of Transportation, Transportation Administration Building, Olympia, Washington 98504, Telephone: (206) 753–7355; or Ronald Q. Anderson, Washington State Department of Transportation, District 1, 15325 Southeast 30th Place, Bellevue, Washington 98007, Telephone: (206) 562–4000.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve State Routes (SR) 9 and 530 in Snohomish County, Washington. The proposed improvements would include the replacement of two bridges over the Stillaguamish River near Arlington and the realignment of portions of SR 9 and SR 530 to improve traffic circulation in and around Arlington.

Improvements to the corridor are considered necessary due to the deterioration of the bridges and to provide for the existing and projected traffic demand. Alternatives under consideration include (1) taking no action; (2) replacing the existing Stillaguamish River bridges on existing alignment; (3) construction of portions of SR 9 and/or SR 530 on new alignment. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of meetings with the public and interested community groups will be held beginning in May, 1990. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. A formal agency scoping meeting will be held during the second quarter of 1990.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues

identified, comments and suggestion are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Richard C. Kay,

Area Engineer, Olympia, Washington.

[FR Doc. 90-4358 Filed 2-26-90; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Highway Safety Program; Amendment of Conforming Products List of Evidential Breath Testing Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments which have been found to conform to the Model Specifications for Evidential Breath Testing Devices (49 FR 48854).

EFFECTIVE DATE: February 27, 1990.

FOR FURTHER INFORMATION CONTACT: Mrs. Robin Mayer, Office of Alcohol and State Programs, NTS-21, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-9825.

SUPPLEMENTARY INFORMATION: On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974 (39 FR 41399).

On December 14, 1984 (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices, and published in appendix D to that notice (49 FR 48864), a Conforming Products List (CPL) of instruments that were found to conform to the Model Specifications Amendments to the CPL have been published in the **Federal Register** since that time.

Since the last publication of the CPL, one device has been tested in accordance with the Model Specifications, and was found to conform to the Model Specifications: Life-Loc PBA 3000-P. Additionally, CMI, Inc., is currently licensed to sell the Lion Laboratories, Ltd. instrument, Alcolmeter SD-2. This instrument was evaluated in 1985 and found to be in conformance with the model specifications for evidential use. Because the device, the manufacturer, and the manufacturing site have not changed, there is no requirement that the device be re-evaluated at this time, and it shall remain on the CPL.

The Conforming Products List is therefore amended as follows:

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and Model	Mobile	Non-mobile
Alcohol Countermeasures System, Inc. Port Huron, MI		
Alert J3AD	X	X
BAC Systems, Inc., Ontario, Canada		
Breath Analysis Computer		X
CAMEC Ltd., North Shields, Tyne and Ware, England		
IR Breath Analyzer	X	X
CMI, Inc., Owensboro, KY		
Intoxilyzer Model		
4011	X	X
4011A	X	X
4011AS	X	X
4011AS-A	X	X
4011AS-AQ	X	X
4011 AW	X	X
4011A27-10100	X	X
4011A27-10100 with filter	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X
5000 (w/38" ID Hose option)	X	X
5000 (CAL DOJ)	X	X
5000 (VA)	X	X
PAC 1200	X	X
Decator Electronics, Decator, IL		
Alco-Tector model 500		X
Intoximeters, Inc., St. Louis, MO		
Photo Electric Intoximeter		X
GC Intoximeter MK II	X	X
GC Intoximeter MK IV	X	X
Auto Intoximeter	X	X
Intoximeter Model		
3000	X	X
3000 (rev B1)	X	X
3000 (rev B2)	X	X
3000 (rev B2a)	X	X
3000 (rev B2A) w/FM option	X	X
3000 (Fuel Cell)	X	X
Alco-Sensor III	X	X
Alco-Sensor IIIA	X	X
RBT III	X	X
Komyo Kitagawa, Kogyo, K.K.		
Alcolyzer DPA-2	X	X
Breath Alcohol Meter PAM 101B	X	X
Life-Loc, Inc., Wheat Ridge, CO		
PBA 3000-P	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK		
Alcolmeter Model		
AE-D1	X	X
SD-2	X	X
EBA	X	X
Auto-Alcolmeter		X
Luckey Laboratories, San Bernadino, CA		
Alco-Analyzer Model		
1000		X
2000		X
National Draeger, Inc., Pittsburgh, PA		
Alcotest Model		
7010	X	X
7110	X	X
Breathalyzer Model		
900	X	X
900A	X	X
900BG	X	X
National Patent Analytical Systems, Inc., East Hartford, CT		
BAC Datamaster	X	X
Omicron Systems, Palo Alto, CA		
Intoxilyzer Model		
4011	X	X
4011AW	X	X
Siemans-Allis, Cherry Hill, NJ		
Alcomat	X	X
Alcomat F	X	X
Smith and Wesson Electronics, Springfield, MA		
Breathalyzer Model		
900	X	X
900A	X	X
1000	X	X
2000	X	X
2000 (non-Humidity Sensor)	X	X
Stephenson Corp.		
Breathalyzer 900	X	X
Verax Systems, Inc., Fairport, NY		
The BAC Verifier	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II	X	X

Authority: 23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501.

Adele Derby,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 90-4405 Filed 2-22-90; 3:47 pm]

BILLING CODE 4910-59-M

Denial of Motor Vehicle Defect Petition

This notice sets for the reasons for the denial of a petition for a defect determination submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Mr. and Mrs. Harvey G. Faircloth submitted a petition dated August 27, 1989, requesting that NHTSA investigate and possibly order the recall of 1988 Chevrolet Berettas suspected of containing a design flaw in the door-anchored automatic safety belt systems

and a defect in the door latch assemblies.

Automatic safety belts are one of the systems that motor vehicle manufacturers may use to comply with the automatic restraint requirements of Federal Motor Vehicle Safety Standard 208. Under that standard, automatic restraints have been required on a percentage of the passenger cars manufactured since September 1, 1986, and are required on all passenger cars manufactured after September 1, 1989.

There were 90,670, 1988 Beretta vehicles manufactured with three-point passive safety belts. Aside from the petitioners' complaint, NHTSA has received no other reports of fatalities in this vehicle, and only one other non fatal complaint relating to the alleged defect.

General Motors (GM) produced 2,925,208 vehicles in 1988 and 1989 with three-point passive safety belts. NHTSA is aware of a total of six fatal rollover ejection accidents (including the Faircloth accident) where the occupants were wearing safety belts. These accidents occurred in 1988 and 1989 GM vehicles equipped with three-point passive belts.

The following information was gathered in the investigation: GM's inspection report of the Faircloth vehicle; photos of the vehicle and of the door hinges and latch assemblies; the Missouri Highway Patrol's accident report; the Faircloths' Vehicle Owner's Questionnaire; information from GM's engineers; information from the Faircloths' own accident investigator; and data from the National Center for Statistics and Analysis on comparative ejection rates.

The Office of Defects Investigation staff analyzed all available information and drew the following conclusions:

1. There is no evidence that 1988 Berettas with three-point passive safety belts have ejection rates different from peer vehicles.

2. There is only one report of an ejection fatality in 1988 Berettas. This does not demonstrate a defect trend.

3. Based on our analysis and GM's data, we could not discern any defect in the 1988 Beretta door latch assemblies.

In consideration of the available resources, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect would be issued at the conclusion of an investigation. Therefore, the petition is denied.

Authority: Section 124, Pubic Law 93-492; 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8.

George L. Reagle,

Associate Administrator for Enforcement.

[FR Doc. 90-4356 Filed 2-26-90; 8:45 am]

BILLING CODE 4910-59

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA, in conjunction with the International Regulations Committee (INTEREC) of the Hazardous Materials Advisory Council, will conduct a public meeting to report the results of the second session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods.

DATES: March 1, 1990, at 9:30 a.m.

ADDRESSES: Room 6200, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, International Standards Coordinator, Office of Hazardous Materials Transportation, Department of Transportation, Washington, DC 20590; (202) 366-0656.

SUPPLEMENTARY INFORMATION: This meeting will be used (1) to review the progress made by the second session of the Sub-Committee of Experts on the Transport of Dangerous Goods in completing its work program for the 1989-1990 biennium and (2) to begin preparation for the Sub-Committee's third session to be held July 2 thru 13, 1990. Topics to be covered include classification and grouping criteria for self-reactive substances; application of performance packaging test requirements to minor variations of previously tested combination packages; requirements for infectious substances; revision of the classification and grouping criteria for gases; proposed amendments to the requirements for explosives and other proposed amendments to the United Nations Recommendations on the Transport of Dangerous Goods.

Issued in Washington, DC, on February 21, 1990.

Alan I. Roberts,

Director, Office of Hazardous Materials, Transportation.

[FR Doc. 90-4359 Filed 2-26-90; 8:45 am]

BILLING CODE 4910-60-M

Federal Aviation Administration

Meetings; Aviation Security Advisory Subcommittee

AGENCY: Federal Aviation Administration.

ACTION: Notice of Aviation Security Advisory Subcommittee Meeting.

SUMMARY: Notice is hereby given of the second meeting of the Policy and Procedures Subcommittee of the Aviation Security Advisory Committee.

DATES: The meeting will be held March 13, 1990, from 9:30 a.m. to 1 p.m..

ADDRESSES: The meeting will be held in the McCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC, 20591, telephone 202-267-9863.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Aviation Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Policy and Procedures Subcommittee of the Aviation Security Advisory Committee to be held March 13, 1990, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The Policy and Procedures Subcommittee is cochaired by the Airport Operators Council International (AOCI), the American Association of Airport Executive (AAAE), and the Air Transport Association (ATA). The agenda for the meeting is to receive a briefing from the Federal Aviation Administration on overall U.S. Government aviation security policy and specifically those policy considerations which are driving several pending rulemaking review processes, including FAR 107, 108 and 109.

A secondary item will be to establish the status of the subcommittee's resolution recently transmitted to the Chairman of ASAC. The ASAC will express the sense of the subcommittee that the FAA should reschedule the rulemaking milestones for review of the various security regulations to accommodate the policy advice anticipated from such bodies as the

President's Commission on Aviation Security and Terrorism, the Office of Technology Assessment, and the FAA's own Aviation Security Advisory Committee, among others.

Time permitting, the subcommittee also expects to begin to identify and prioritize issues surrounding the policy and procedures of aviation security and to establish task force working groups as might be appropriate to address those issues.

Attendance at the March 13 meeting is open to the public but limited to space available. Oral statements are not anticipated, but written statements may be submitted anytime. Persons wishing to present statements or information should contact the Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20491, telephone 202–267–9863.

Interested parties who wish to suggest additional agenda items, or make suggestions as to working group topics, should submit them in writing to the security office of one of the cochair organizations no later than March 9, 1990.

AOCI, 1220 19th Street, NW., #200. Washington, DC 20036 telephone 202–293–8500

AAAE, 4224 King Street, Alexandria, Virginia, 22302 telephone 703–824–0500

ATA, 1709 New York Avenue, NW., Washington, DC 20006 telephone 202–626–4000

Issued in Washington, DC on February 20, 1990.

Raymond A. Salazar,

Director of Civil Aviation Security.

[FR Doc. 90–4476 Filed 2–26–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 21, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0165.
Form Number: 4224.
Type of Review: Extension.
Title: Exemption From Withholding of Tax on Income Effectively Connected With the Conduct of a Trade or Business in the United States.
Description: Form 4224 is used by nonresident alien individuals or fiduciaries, foreign partnerships, or foreign corporations to obtain exemption from withholding of tax on certain types of income if that income is effectively connected with a U.S. trade or business. The IRS uses the information to determine if the exemption is proper.
Respondents: Individuals or households, Businesses or other for-profit.
Estimated Number of Respondents: 24,750.
Estimated Burden Hours Per Response/ Recordkeeping:
Recordkeeping, 7 minutes
Learning about the law or the form, 11 minutes
Preparing the form, 14 minutes
Copying and sending the form to IRS, 14 minutes
Frequency of Response: On occasion.
Estimated Total Recordkeeping/ Reporting Burden: 18,810 hours.
Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 90–4402 Filed 2–26–90; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Date: February 21, 1990.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0045.
Form Number: 7533C.
Type of Review: Extension.
Title: U.S. Customs In-Transit Manifest.
Description: Customs' Form 7533C is used by railroads to transport merchandise (products and manufactures of the U.S.) from one port to another in the United States through Canada.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 20.
Estimated Burden Hours Per Response: 3 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 15 hours.
Clearance Officer: Dennis Dore, (202) 535–9267, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 90–4403 Filed 2–26–90; 8:45 am]

BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

Date: February 21, 1990.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.
Form Number: None.
Type of Review: New Collection.
Title: Survey to Evaluate the IRS Understanding Taxes Program.
Description: The data collected will be used to evaluate the usefulness and effectiveness of the Teacher's Resource Package used to teach students about taxes.

Respondents: Individuals or households.
Estimated Number of Respondents: 1,140.
Estimated Burden Hours Per Response: 20 minutes.
Frequency of Response: One-time survey.
Estimated Total Reporting Burden: 380 hours.
OMB Number: New.
Form Number: None.
Type of Review: New Collection.
Title: 1990 Taxpayer Opinion Survey.
Description: IRS needs to obtain trend data that will enable the Service to monitor and evaluate the effectiveness of current tax policies and programs. Questions are duplicated from previous surveys and directed toward the general taxpaying population. Some new questions are also added.
Respondents: Individuals or households.
Estimated Number of Respondents: 3,000.
Estimated Burden Hours Per Response: 30 minutes.
Frequency of Response: One-time survey.
Estimated Total Reporting Burden: 1,600 hours.
Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 90-4404 Filed 2-26-90; 8:45 am]
BILLING CODE 4830-01-M

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 5-90]

Treasury Bonds of 2020

Washington, February 9, 1990.

The Secretary announced on February 8, 1990, that the interest rate on the bonds designated Bonds of 2020, described in Department Circular—Public Debt Series—No. 5-90 dated February 1, 1990, will be 8½ percent. Interest on the bonds will be payable at the rate of 8½ percent per annum.

Gerald Murphy,
Fiscal Assistant Secretary.
[FR Doc. 90-4379 Filed 2-26-90; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 4-90]

Treasury Notes, Series A-2000

Washington, February 8, 1990.

The Secretary announced on February 7, 1990, that the interest rate on the notes designated Series A-2000, described in Department Circular—Public Debt Series—No. 4-90 dated February 1, 1990, will be 8⅛ percent. Interest on the notes will be payable at the rate of 8½ percent per annum.

Gerald Murphy,
Fiscal Assistant Secretary.
[FR Doc. 90-4378 Filed 2-26-90; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 3-90]

Treasury Notes, Series S-1993

Washington, February 7, 1990.

The Secretary announced on February 6, 1990, that the interest rate on the notes designated Series S-1993, described in Department Circular—Public Debt Series—No. 3-90 dated February 1, 1990, will be 8⅜ percent. Interest on the notes will be payable at the rate of 8⅜ percent per annum.

Gerald Murphy,
Fiscal Assistant Secretary.
[FR Doc. 90-4377 Filed 2-26-90; 8:45 am]
BILLING CODE 4810-40-M

Fiscal Service

[Dept. Circ. 570, 1989 Rev., Supp. No. 14]

Surety Companies Acceptable on Federal Bonds; AMCO Insurance Company

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1989 Revision, on page 27802 to reflect this addition:

AMCO Insurance Company. Business Address: 701 Fifth Avenue, Des Moines, IA 50309. Underwriting Limitation *b/*: *$2,213,000.* Surety Licenses *c/*: AZ, CA, CO, IA, ID, IL, KS, MN, MO, NE, NM, ND, OR, SD, TX, UT, WI, WY. Incorporated in: Iowa.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 287-3921.

Dated: February 21, 1990.
Mitchell A. Levine,
Assistant Commissioner, Comptroller, Financial Management Service.
[FR Doc. 90-4397 Filed 2-26-90; 8:45 am]
BILLING CODE 4810-35-M

Office of Thrift Supervision

Equitable Federal Savings & Loan Association, Columbus, NE; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Equitable Federal Savings and Loan Association, Columbus, Nebraska ("Association"), on February 16, 1990.

Dated: February 20, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4321 Filed 2-26-90; 8:45 am]
BILLING CODE 6720-01-M

Fidelity Savings Bank, F.S.B., Danville, IL; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Fidelity Savings Bank, F.S.B., Danville, Illinois ("Association"), on February 16, 1990.

Dated: February 20, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4322 Filed 2-26-90; 8:45 am]
BILLING CODE 6720-01-M

Franklin Savings Association, Ottawa, KS; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (A) and (B) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Franklin Savings Association, Ottawa, Kansas ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4323 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Freedom Savings Association, F.A., Columbus, OH; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (A) and (B) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Freedom Savings Association, F.A., Columbus, Ohio ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4324 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Great American Federal Savings & Loan Association, Oak Park, IL; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (A) and (B) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Great American Federal Savings and Loan Association, Oak Park, Illinois ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4325 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Heritage Federal Savings Bank of Omaha, Omaha, NE; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Heritage Federal Savings Bank of Omaha, Omaha, Nebraska ("Savings Bank"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4326 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

State Federal Savings Association, Tulsa, OK; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for State Federal Savings Association, Tulsa, Oklahoma ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4327 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Western Empire Federal Savings & Loan Association, Irvine, CA; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Western Empire Federal Savings and Loan Association, Irvine, California ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4328 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Equitable Savings & Loan Association, F.A., Columbus, NE; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Equitable Savings and Loan Association, F.A., Columbus, Nebraska ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4315 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Fidelity Federal Savings Bank, Dansville, NE; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Fidelity Federal Savings Bank, Danville, Illinois ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4316 Filed 2-26-90; 8:45 am]

BILLING CODE 6720-01-M

Freedom Federal Savings & Loan Association, Columbus, OH; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform,

Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Freedom Federal Savings and Loan Association, Columbus, Ohio ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–4317 Filed 2–26–90; 8:45 am]

BILLING CODE 6720–01–M

Heritage Federal Savings Bank, Omaha, NE; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Heritage Federal Savings Bank, Omaha, Nebraska ("Savings Bank") on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–4318 Filed 2–26–90; 8:45 am]

BILLING CODE 6720–01–M

State Federal Savings & Loan Association, Tulsa, OK; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for State Federal Savings and Loan Association, Tulsa, Oklahoma ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–4319 Filed 2–26–90; 8:45 am]

BILLING CODE 6720–01–M

Western Empire Savings & Loan Association, Yorba Linda, CA; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(C) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Western Empire Savings and Loan Association, Yorba Linda, California ("Association"), on February 16, 1990.

Dated: February 20, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–4320 Filed 2–26–90; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: The Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number or responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 20, 1990.

By direction of the Secretary.

Mark S. Russell,

Acting Director, Office of Information Management and Statistics.

New Collection

1. Veterans Benefits Administration.
2. Application for Exclusion of Children's Income.
3. VA Form 21–0571.
4. This form is used to collect information needed to determine if a child's income can be excluded from consideration in determining a parent's eligibility for non service-connected pension.
5. On occasion.
6. Individuals or households.
7. 25,000 responses.
8. ¾ hour.
9. Not applicable.

[FR Doc. 90–4449 Filed 2–26–90; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726

Jackson Place, NW, Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 20, 1990.

By direction of the Secretary.

Mark S. Russell,

Acting Director, Office of Information Management and Statistics.

Extension

1. Veterans Benefits Administration.
2a. Accounting Forms (VA Form 27–4706).
2b. Fiduciary Account Book (VA Form 27–4718).
3a. VA Form 27–4706.
3b. VA Form 27–4718.
4. Both forms are used by VA's Fiduciary and Field Examination Program to provide fiduciaries of VA beneficiaries acceptable formats to collect data to be reported in accountings and an acceptable form to submit the collected data to the appointing State court. These accountings are usually required by State law.
5. On occasion.
6. Individuals or households, State or local governments, Federal agencies or employees, and Non-profit institutions.
7a. 10,666 responses (VA Form 27–4706).
7b. 27,200 responses (VA Form 27–4718).
8a. ½ hour (VA Form 27–4706).
8b. 2.5 hours (VA Form 27–4718).
9. Not applicable.

[FR Doc. 90–4450 Filed 2–26–90; 8:45 am]

BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, VA Clearance Officer (732), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 15, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Revision

1. National Cemetery System.
2. Gravesite Reservation Survey (2-Year).
3. FL 40–12.
4. This form is used to determine whether individuals holding gravesite reservations in national cemeteries wish to continue the reservation and whether their eligibility for the reservation has been affected.
5. Biennially.
6. Individuals or households.
7. 30,038 responses.
8. ⅕ hour.
9. Not applicable.

[FR Doc. 90–4451 Filed 2–26–90; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 39
Tuesday, February 27, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ENERGY REGULATORY COMMISSION

DATE AND TIME: March 1, 1990, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Note.—The agenda format has been revised to include new agenda prefixes: CAH, CAE, H, E, PR, PF and PC. All parts of the consent agenda will continue to be called and voted on as a single group. Consent items which are called separately at the request of a member of the Commission will be called at the end of that part of the regular agenda for the applicable substantive area (for example, CAH–5 would be considered after the last regular Hydro agenda item).

Consent Agenda—Hydro, 910th Meeting—March 1, 1990, Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 2144–009, City of Seattle, Washington
CAH–2.
Project No. 539–000, Kentucky Utilities Company
CAH–3.
Project No. 9683–003, Dunn and McCarthy, Inc.
Project No. 6962–002, Yankee Hydro Corporation
Docket No. EL87–1–001, Dunn and McCarthy, Inc.
CAH–4.
Project No. 10658–001, Pacific Water & Power, Inc.
Project No. 10726–001, City and County of San Francisco
CAH–5.
Project No. 10656–001, Pacific Water and Power, Inc.
Project No. 10739–001, Casitas Municipal Water District
CAH–6.
Project No. 6017–003, Lewis Evans

Consent Agenda—Electric

CAE–1.
Docket No. ER90–96–000, Southwestern Public Service Company
CAE–2.
Docket No. ER90–102–000, Central and South West Services, Inc.
CAE–3.
Docket Nos. ER90–103–000 and ER90–133–000, Appalachian Power Company
CAE–4.
Omitted
CAE–5.
Docket No. ER76–205–006, Southern California Edison Company
CAE–6.
Docket No. EL89–17–001, San Diego Gas & Electric Company v. Century Power Corporation
Docket No. EL89–18–001, Arizona Corporation Commission v. Century Power Corporation
CAE–7.
Docket Nos. QF87–237–002, 001 and 000, Midland Cogeneration Venture, L.P.

Consent Agenda—Gas and Oil

CAG–1.
Docket No. TM90–7–21–000, Columbia Gas Transmission Corporation
CAG–2.
Docket No. TA90–1–27–000, North Penn Gas Company
CAG–3.
Docket No. TA90–1–20–000, Algonquin Gas Transmission Company
CAG–4.
Omitted
CAG–5.
Docket Nos. RP89–35–007, TQ90–5–5–000 and TF90–6–5–001, Midwestern Gas Transmission Company
CAG–6.
Docket No. TQ90–3–22–000, CNG Transmission Corporation
CAG–7.
Omitted
CAG–8.
Docket Nos. TQ90–2–38–000 and 001, Ringwood Gathering Company
CAG–9.
Docket Nos. TA89–1–21–000 and TM89–2–21–000, Columbia Gas Transmission Corporation
CAG–10.
Docket Nos. RP88–191–018 and RP90–48–001, Tennessee Gas Pipeline Company
CAG–11.
Docket No. RP85–193–009, North Penn Gas Company
CAG–12.
Docket No. RP90–78–000, Panhandle Eastern Pipe Line Company
CAG–13.
Docket No. RP90–79–000, Trunkline Gas Company
CAG–14.
Docket No. RP89–251–000, Alabama-Tennessee Natural Gas Company
CAG–15.
Docket No. CP89–1281–003, Natural Gas Pipeline Company of America
CAG–16.
Docket No. RP89–236–000, Tennessee Gas Pipeline Company
CAG–17.
Omitted
CAG–18.
Docket Nos. RP89–37–004, 006, 007, RP89–82–004, 006 and 007, High Island Offshore System
CAG–19.
Docket No. MT88–1–003, Algonquin Gas Transmission Company
Docket Nos. MT88–2–003 and 004, Questar Pipeline Company
Docket No. MT88–3–003, Transcontinental Gas Pipe Line Corporation
Docket No. MT88–4–005, Mid-Louisiana Gas Company
Docket No. MT88–5–003, Phillips Gas Pipeline Company
Docket No. MT88–6–003, Texas Gas Transmission Corporation
Docket No. MT88–7–002, Sabine Pipe Line Company
Docket No. MT88–9–002, Texas Eastern Transmission Corporation
Docket No. MT88–11–007, Northwest Pipeline Corporation
Docket No. MT88–12–003, El Paso Natural Gas Company
Docket No. MT88–13–003, Kentucky West Virginia Gas Company
Docket No. MT88–14–002, Williams Natural Gas Company
Docket No. MT88–15–003, CNG Transmission Corporation
Docket No. MT88–18–003, K N Energy, Inc.
Docket No. MT88–19–003, ANR Pipeline Company
Docket No. MT88–20–003, Southern Natural Gas Company
Docket No. MT88–21–002, South Georgia Natural Gas Company
Docket No. MT88–22–003, Trunkline Gas Company
Docket No. MT88–23–002, Colorado Interstate Gas Company
Docket No. MT88–24–006, Northern Natural Gas Company
Docket No. MT88–25–003, Black Marlin Pipeline Company
Docket No. MT88–26–005, Transwestern Pipeline Company
Docket No. MT88–27–002, Northern Border Pipeline Company
Docket Nos. MT88–29–006 and 007, Florida Gas Transmission Company
Docket No. MT88–30–004, United Gas Pipe Line Company
Docket No. MT88–32–002, Sea Robin Pipeline Company
Docket No. MT88–33–002, Natural Gas Pipeline Company of America
Docket No. MT88–34–001, Tennessee Gas Pipeline Company

Docket No. MT88-35-002, Arkla Energy Resources, a division of Arkla, Inc.
Docket No. MT88-36-002, Panhandle Eastern Pipe Line Company
Docket No. MT88-37-003, MIGC, Inc.
Docket No. MT88-38-002, Valley Gas Transmission, Inc.
Docket No. MT88-39-003, Western Transmission Corporation
Docket No. MT88-40-002, Blue Dolphin Pipe Line Company
Docket No. MT89-2-002, Carnegie Natural Gas Company
Docket No. MT89-3-003, Columbia Gas Transmission Corporation
Docket No. MT89-4-004, Columbia Gulf Transmission Company
Docket No. MT89-7-001, Nora Transmission Company
Docket No. MT90-1-000, Midwestern Gas Transmission
Docket No. MT90-2-000, Ohio River Pipeline Corporation
Docket No. MT90-3-000, Trailblazer Pipeline Company
Docket No. MT90-4-000, Moraine Pipeline Company
Docket No. MT90-5-000, Canyon Creek Compression Company
Docket No. MT90-6-000, Stingray Pipeline Company
Docket No. MT90-7-000, Trunkline LNG Company
Docket No. MT90-8-000, Mississippi River Transmission Corporation
Docket Nos. MT90-9-000 and MT88-16-003, Green Canyon Pipeline Company

CAG-20.
Docket No. RP90-56-002, CNG Transmission Corporation

CAG-21.
Docket Nos. TM90-2-1-000, TM89-5-1-000, TM89-3-1-000, TM89-1-1-000, RP88-205-000, 001 and 002, Alabama-Tennessee Natural Gas Company

CAG-22.
Docket No. RP85-209-024, RP86-93-008, RP86-158-011, CP86-246-004. RP87-34-010, TC88-6-009, RP88-8-011, RP88-27-018, RP88-92-019, RP88-265-005, RP88-263-013, RP88-264-015, RP84-42-007, RP89-138-005, CP88-6-006, CP88-329-002, CP88-478-002, and IN86-5-013, United Gas Pipeline Line Company
Docket No. CP88-440-002, Southern Natural Gas Company
Docket No. CP87-524-009, Texas Gas Transmission Corporation

CAG-23.
Docket No. RP89-247-001, Mississippi River Transmission Corporation

CAG-24.
Docket Nos. RP87-86-008, RP86-11-005 and RP85-11-022 (Phase II), RP89-110-002 and RP89-111-002, K N Energy, Inc.

CAG-25.
Omitted

CAG-26.
Docket No. RP90-2-001, Williston Basin Interstate Pipeline Company

CAG-27.
Docket No. TA89-1-55-003, Questar Pipeline Company

CAG-28.
Docket Nos. CP82-487-017, RP84-62-001, RP84-93-008 (Phase II), Williston Basin Interstate Pipeline Company

CAG-29.
Docket Nos. CP82-487-018 and TA87-4-49-007 (Phase V), Williston Basin Interstate Pipeline Company

CAG-30.
Docket Nos. CP82-487-019, RP84-62-002, RP84-93-009, TA84-2-49-002 and TA85-1-49-004 (Phase II and III), Williston Basin Interstate Pipeline Company

CAG-31.
Docket No. CP82-487-024, Williston Basin Interstate Pipeline Company

CAG-32.
Docket Nos. CP83-254-370 and CP83-335-296, Williston Basin Interstate Pipeline Company

CAG-33.
Docket No. RP85-58-029, El Paso Natural Gas Company

CAG-34.
Docket No. TA83-2-7-003, Southern Natural Gas Company

CAG-35.
Docket Nos. RP86-94-005, 006, RP88-181-000, RP88-266-000 and RP88-257-000, Sea Robin Pipeline Company

CAG-36.
Docket No. RP89-120-000, Questar Pipeline Company

CAG-37.
Docket Nos. RP88-228-027, RP88-249-003, RP89-29-007, RP89-84-004, RP89-149-002 and PL89-2-002, Tennessee Gas Pipeline Company

CAG-38.
Omitted

CAG-39.
Docket Nos. ST89-1708-001, ST89-1775-001 and ST88-2555-000, Louisiana Intrastate Gas Corporation

CAG-40.
Docket Nos. ST88-5599-000, ST88-5761-000, ST88-5762-000, ST88-5763-000, ST88-5764-000, ST88-5765-000, ST88-5766-000, ST88-5767-000, ST88-5768-000, ST88-5769-000 and ST88-5770-000, Gulf South Pipeline Company

CAG-41.
Docket No. GP80-43-019, Northern Natural Gas Company, Division of Enron Corp.

CAG-42.
Docket No. CP89-38-001, Corinne B. Grace, Complainant v. El Paso Natural Gas Company, Respondent

CAG-43.
Docket No. CP88-570-003, Mobile Bay Pipeline Projects

CAG-44.
Docket No. CP88-413-001, Texas Gas Transmission Corporation

CAG-45.
Docket No. CP90-686-000, Colorado Interstate Gas Company

CAG-46.
Docket Nos. CP90-533-000, CP90-534-000, CP90-535-000, CP90-536-000, CP90-537-000, CP90-538-000, CP90-539-000, CP90-540-000, CP90-541-000, CP90-542-000, CP90-543-000, CP90-544-000, CP90-545-000, CP90-546-000, CP90-547-000, CP90-548-000, CP90-549-000, CP90-556-000, CP90-557-000, CP90-558-000, CP90-559-000, CP90-560-000, CP90-561-000, CP90-562-000, CP90-563-000, CP90-564-000, CP90-584-000, and CP90-585-000, Columbia Gas Transmission Corporation

CAG-47.
Docket No. CP89-60-001, Southcoast Transmission Corporation

CAG-48.
(A) Docket No. CP87-411-000, Pacific Interstate Transmission Company
(B) Docket No. CP88-665-000, Viking Gas Transmission Company
(C) Docket Nos. CP88-723-000 and CP88-755-000, Viking Gas Transmission Company

CAG-49.
Docket No. CP89-557-000, Questar Pipeline Company

CAG-50.
Docket No. CP89-1554-000, Colorado Interstate Gas Company

CAG-51.
Docket No. CP89-341-000, Viking Gas Transmission Company

CAG-52.
Omitted

CAG-53.
Docket No. CP89-1142-000, United Gas Pipe Line Company

CAG-54.
Docket No. CP90-771-000, Texas Eastern Transmission Company

Hydro Agenda

H-1.
Docket No. RM89-7-000, Regulation Governing Submittal of Proposed Hydropower License Conditions and Other Matters. Notice of Proposed Rulemaking.

Electric Agenda

E-1.
Docket Nos. EC90-10-000, ER90-143.000, ER90-144.000, ER90-145-000 and EL90-9-000, Northeast Utilities Service Company. Order on petition for declaratory order, rate filings and application for authorization to dispose of facilities.

Gas and Oil Agenda

I. Pipeline Rate Matters

PR-1.
Docket Nos. CP86-578-000, CP88-611-000, CP88-612-000, CP88-613-000, CP88-614-000, CP88-616-000, CP88-617-000, CP88-618-000, CP88-619-000, CP88-624-000, CP89-41-000, CP89-326-000, CP89-312-000, CP89-1740-000 and CP90-203-000, Northwest Pipeline Corporation. Order concerning applications for gas inventory charge, revised sales certificates, and abandonment.

II. Producer Matters

PF-1.
Reserved

III. Pipeline Certificate Matters

PC-1.
Docket No. CP88-697-000, United Gas Pipe Line Company. Order on application for certificate authorization to transport gas on an interruptible basis to nine direct sales customers.

PC-2.
Omitted

PC-3.
Docket No. CP88-136-012, Texas Eastern Transmission Corporation. Order on requests for rehearing of order authorizing a transportation assignment program.
PC-4.
Omitted

Lois D. Cashell,
Secretary.
[FR Doc. 90-4584 Filed 2-23-90; 2:41 pm]
BILLING CODE 6717-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, March 5, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of computer equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: February 23, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 90-4593 Filed 2-23-90; 4:00 pm]
BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION

Board of Directors Meeting—Advance Notice

TIME AND DATE: The Board of Directors meeting will be held on March 26, 1990. The meeting will commence at a time to be announced.

PLACE: To be announced.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED: The Legal Services Corporation Board of Directors will meet on March 26, 1990, in Washington, DC, for a hearing at which interested parties will have an opportunity to address issues facing the legal services program. Persons wishing to offer testimony at this hearing should notify the Corporation no later than Tuesday, March 20, 1990. Any written testimony to be presented to the Board should also be submitted at this time.

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: February 23, 1990.

Maureen R. Bozell,
Corporation Secretary.
[FR Doc. 90-4592 Filed 2-23-90; 3:54 pm]
BILLING CODE 7050-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 26, March 5, 12, and 19, 1990.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 26

Thursday, March 1

11:30 a.m.—Affirmation/Discussion and Vote (Public Meeting)
a. Seabrook Immediate Effectiveness Decision/Full Power License
b. Commission Order in Seabrook (On Question Certified in ALAB-922)

Week of March 5 (Tentative)

3:30 p.m.—Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 12 (Tentative)

Monday, March 12

2:00 p.m.—Briefing on the development of LLW Disposal Capability by the Southwestern Compact (Public Meeting)

Wednesday, March 14

10:00 a.m.—Periodic Briefing on Status of Activities with the Center for Nuclear Waste Regulatory Analysis (CNWRA) (Public Meeting)
2:00 p.m.—Briefing on Economic Incentive Regulation of Nuclear Power Plants (Public Meeting)

Thursday, March 15

3:30 p.m.—Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 19 (Tentative)

Tuesday, March 20

10:00 a.m.—Briefing on Risk Based Technical Specifications Program (Public Meeting)

Thursday, March 22

3:30 p.m.—Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the status of meetings call (recording)—(301) 492-0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492-1661.

William M. Hill, Jr.
Office of the Secretary.
[FR Doc. 90-4585 Filed 2-23-90; 2:41 pm]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [55 FR 6337 February 22, 1990]

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Friday, February 16, 1990.

CHANGE IN THE MEETING: Additional meeting.

The following item was considered at a closed meeting held on Tuesday, February 20, 1990, at 11:00 a.m.:

Status report regarding a litigation matter.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Daniel Hirsch at (202) 272-2100.

Dated: February 22, 1990.

Jonathan G. Katz,
Secretary.
[FR Doc. 90-4570 Filed 2-23-90; 1:36 pm]
BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 26, 1990.

An open meeting will be held on Monday, February 26, 1990, at 1:30 p.m., in Room 1C30. A closed meeting will be held on Tuesday, February 27, 1990, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C.

552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Monday, February 26, 1990, at 1:30 p.m., will be:

1. The Commission will consider whether to adopt proposed rule 52 under the Public Utility Holding Company Act of 1935 ("Act"). Proposed rule 52 exempts from specific Commission approval certain financings by public-utility subsidiary companies of registered public-utility holding companies as long as specified conditions are met. In addition, proposed rule 52 provides a limited exemption from the application requirements of section 9(a) of the Act where the exempt securities are to be acquired by a parent holding company. For further information, contact William C. Weeden at (202) 272–7676 or Yvonne M. Hunold (202) 272–2676.

2. The Commission will consider whether to adopt proposed Rule 12d–1 under the Investment Company Act of 1940. Rule 12d1–1 would provide an exemption from the limitations imposed by section 12(d)(1)(A) of that Act for acquisitions of securities of foreign banks and foreign insurance companies, and their finance subsidiaries, by registered investment companies. For further information, please contact Ann M. Glickman at (202) 272–3042.

The subject matter of the closed meeting scheduled for Tuesday, February 27, 1990, at 2:30 p.m., will be:

Settlement of injunctive actions.
Institution of injunctive actions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Kincaid at (202) 272–2000.

Dated: February 21, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4571 Filed 2–23–90; 1:36 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 55, No. 39
Tuesday, February 27, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Short Supply Determination

Correction

In notice document 90-3803 beginning on page 5875 in the issue of Tuesday, February 20, 1990, make the following correction:

On page 5876, in the first column, in the chart, under *Thickness*, the sixth line should read "0.013-0.015".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT89-7-001, et al.]

Nora Transmission Company, et al.; Natural Gas Pipeline Rate Filings

Correction

In notice document 90-3881 beginning on page 6041 in the issue of Wednesday, February 21, 1990, make the following correction:

On page 6041, in the third column, under **2. Texas Gas Transmission Corp.**", the date should read "February 9, 1990."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 85P-0584]

Cheeses: Amendment of Standards of Identity To Permit Use of Antimycotics on the Exterior of Bulk Cheeses During Curing and Aging; Update of the Formats of Several Standards; Confirmation of Effective Date

Correction

In rule document 90-1691 beginning on page 2510 in the issue of Thursday, January 25, 1990, make the following correction:

On page 2510, after the table, in the third column, in the seventh line, "(21 CFR 133.104)" should read "(21 CFR 133.184)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Social Security Income for the Aged, Blind, and Disabled; Presumptive Disability and Presumptive Blindness; Categories of Impairments—AIDS Extension Date

Correction

In rule document 89-30232 beginning on page 53605 in the issue of Friday, December 29, 1989, make the following correction:

On page 53606, in the second column, in the first complete paragraph, in the fourth line "not" should read "now".

Note: Previous correction documents published at 55 FR 4936; February 12, 1990 and 55 FR 5945; February 20, 1990 should be disregarded.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-05-AD]

Airworthiness Directives; Boeing Model 737-300 and -400 Series Airplanes

Correction

In proposed rule document 90-2916 beginning on page 4433 in the issue of Thursday, February 8, 1990, make the following correction:

§ 39.13 [Corrected]

On page 4434, in the third column, in the 15th and 16th lines, "November 19, 1989." should read "November 10, 1990."

BILLING CODE 1505-01-D

federal register

Tuesday
February 27, 1990

Part II

Office of Personnel Management

5 CFR Part 532

Prevailing Rate Systems; Proposed Rulemaking

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations to define certain policies, practices, and criteria for fixing and administering the pay of prevailing rate employees. These policies, practices, and criteria are now described in Federal Personnel Manual (FPM) Supplements 532–1 and 532–2, and reflect the longstanding practices of the Federal Wage System (FWS). OPM has determined that they constitute rulemaking under the terms of the Administrative Procedure Act. The proposed regulations will bring OPM into compliance with the Act.

DATES: Comments must be submitted on or before April 30, 1990.

ADDRESSES: Send or deliver written comments to the Office of Personnel Management, Personnel Systems and Oversight Group, Wage Systems Division, Room 7H28, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Allan Summers, (202) 632–7830.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is responsible for the overall administration of the Federal Wage System under sections 5343 and 5346 of title 5, United States Code. Since the FWS was established in 1972, OPM has issued policies and instructions for the administration of the system in both Title 5 of the Code of Federal Regulations and FPM Supplements 532–1 (appropriated fund) and 532–2 (nonappropriated fund).

After a review of the material in the two FPM Supplements, OPM has determined that some of that material is regulatory in nature and, therefore, should be published under the provisions of the Administrative Procedure Act (5 U.S.C. 551) and placed in part 532 of title 5 of the Code of Federal Regulations. OPM, therefore, is proposing to take all prevailing rate policies, practices, and criteria developed under authorities specifically conferred on OPM by sections 5343 and 5346 and currently found in the two FPM Supplements, and place them in part 532. There is no intention in this regulatory proposal to make any substantive change in the current operation of the FWS. The proposed regulations reflect the policies, practices, and criteria now in effect for the FWS and will require no changes or departures from the instructions published in the FPM Supplements.

The proposed regulations include the criteria for determining wage areas; the industry and job coverage requirements for wage surveys; special pay plans; and procedures for determining special rates for employees who direct the work of nonsupervisory employees receiving special rates. Appendices C, D, and J of the FPM Supplements have been incorporated as appendices to specific sections of part 532. This material includes the definitions of wage area boundaries; the designation of lead agencies; the scheduling of full-scale and wage change surveys; and the definitions of environmental differentials.

Some minor changes from published regulations and FPM Supplement instructions have been made to clarify material or to reflect current law or practice. One change is the elimination of the requirement in § 532.221(b)(2) of the regulations that lead agencies must compute a key point line when analyzing wage survey data for appropriated fund surveys. Lead agencies may still compute and use a key point line under the revised regulations if they wish, but it is no longer a requirement. A second change is an authorization for lead agencies for appropriated fund surveys to add optional survey jobs when it is found that the jobs represent occupations having significant employment in both local Federal activities and local private establishments and are considered essential for wage determination purposes in the wage area. Also, lead agencies may add survey jobs for laundry worker, food service worker, and cook at specified grade levels when the Hospital industry is included in the survey. Lead agencies must currently request OPM approval prior to adding these jobs. We have found that this has become an automatic process and is an administrative burden which no longer serves a useful purpose.

Public Law 99–145, dated November 8, 1985, modified section 5343(d)(2) of title 5, United States Code (the so-called Monroney amendment), to preclude the use of out-of-area data in establishing wage schedules for Department of Defense (DOD) employees. In compliance with this statutory language, we have modified § 532.317(a)(1) of the regulations so that local data only will be used in setting wage schedules for DOD employees.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they are changes which will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.
Constance Berry Newman,
Director.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92–502.

2. Section 532.203(d)(2) is revised to read as follows:

§ 532.203 Structure of regular wage schedules.

* * * * *

(d) * * *

(2) For grades WS–11 through WS–18 the rates shall be the second rate of WS–10 plus 5, 11.5, 19.6, 29.2, 40.3, 52.9, 67.1, and 82.8 percent, respectively, of the difference between the step 2 rates of WS–10 and WS–19. WS–19 shall be equal to the third rate in effect for General Schedule grade GS–14 at the time of the area wage schedule adjustment. The WS–19 rate shall include any cost of living allowance payable for the area under 5 U.S.C. 5941.

* * * * *

3. Section 532.209(d) is revised to read as follows:

§ 532.209 Local wage survey committee.

* * * * *

(d) Recommendations of local wage survey committees shall be developed by majority vote. Any member of a local wage survey committee may submit a minority report to the lead agency relating to any local wage survey committee majority recommendation.

* * * * *

4. In § 532.211, the introductory text to paragraph (d) is revised to read as follows:

§ 532.211 Responsibilities of participating organizations.

* * * * *

(d) Lead agencies are responsible for:

* * * * *

5. Section 532.213 is amended by revising the introductory text to paragraph (b) as set out below and by removing the phrase "and alternate establishments" in paragraph (d).

§ 532.213 Preparation for full-scale wage survey.

* * * * *

(b) The lead agency shall consider the local wage survey committee's report if:

* * * * *

6. In § 532.215, paragraph (c) is removed, paragraph (d) is redesignated as paragraph (c), and paragraph (b) is revised to read as follows:

§ 532.215 Conduct of full-scale wage survey.

* * * * *

(b) Data collection for a full-scale wage survey shall be accomplished by personnel visit to the establishment. The following required data shall be collected:

(1) General information about the size, location, and type of product or service of the establishment sufficient to determine whether the establishment is within the scope of the survey and properly weighted, if the survey is a sample survey;

(2) Specific information about each job within the establishment that is similar to one of the jobs covered by the survey, including a brief description of the establishment job, the number of employees in the job and their rate(s) of pay to the nearest mill including any cost-of-living adjustments required by contract or that are regular and customary and any monetary bonuses that are regular and customary; and

(3) Any other information the lead agency believes is appropriate and useful in determining local prevailing rates.

* * * * *

7. Section 532.219 is amended by revising paragraph (d) to read as follows:

§ 532.219 Review by the lead agency.

* * * * *

(d) If the lead agency determines a wage area to be inadequate under paragraph (c) of this section, it shall promptly refer the problem to OPM for resolution. OPM shall:

(1) Authorize the lead agency to continue to survey the area if the lead agency believes the survey is likely to be adequate in the next full-scale survey;

(2) Authorize the lead agency to expand the scope of the survey; or

(3) Abolish the wage area and establish it as part of one or more other wage areas.

8. In § 532.221, the heading and paragraphs (a) and (b) are revised to read as follows:

§ 532.221 Analysis of usable wage survey data.

(a) (1) The lead agency shall compute a weighted average rate for each appropriated fund survey job having at least 10 unweighted matches and for each nonappropriated fund job having at least 5 unweighted matches. The weighted average rates will be computed using the survey job data collected in accordance with §§ 532.215 and 532.227 of this subpart and the establishment weight.

(2) (i) Incentive and piece-work rates shall be excluded when computing weighted average rates if, after establishment weights have been applied, 90 percent or more of the total usable wage survey data reflect rates paid on a straight-time basis only.

(ii) When sufficient incentive and piece-work rate data are obtained, the full incentive rate shall be used in computing the job weighted average rate when it is equal to or less than the average nonincentive rate. If the full incentive rate is greater than the average nonincentive rate, the incentive rate shall be discounted by 15 percent. The discounted incentive rate shall be compared with the guaranteed minimum rate and the average nonincentive rate, and the highest rate shall be used in computing the job weighted average rate.

(b) The lead agency shall compute paylines using the weighted average rates computed under paragraph (a) of this section.

(1) The lead agency shall compute unit and frequency paylines using the straight-line, least squares regression formula: $Y=a+bx$, where Y is the hourly rate, x is grade, a is the intercept of the payline with the Y-axis, and b is the slope of the payline.

(i) The unit payline shall be computed using a weight of one for each of the usable survey jobs and the weighted average rates identified and computed under paragraph (a) of this section.

(ii) The frequency payline shall be computed using a weight equal to the number of weighted matches for each of the usable survey jobs and the weighted average rates identified and computed under paragraph (a) of this section.

(2) Either or both of the lines computed according to paragraph (b)(1) of this section may be recomputed after eliminating survey job data which cause distortion in the lines.

(3) The lead agency may compute midpoint paylines using the following formula: $Y=(a_u+a_f)/2+((b_u+b_f)/2)\ x$ where Y is the hourly rate, x is the grade, a_u is the intercept of the unit payline, a_f is the intercept of the frequency payline, b_u is the slope of the unit payline, and b_f is the slope of the frequency payline. A midpoint line may be computed using the paylines based on all of the usable survey job data as described in paragraph (b)(1) of this section and a second midpoint line may be computed using the paylines based on limited survey job data authorized in paragraph (b)(2) of this section.

(4) The lead agency may compute other paylines for the purpose of instituting changes to the scope of the survey.

* * * * *

§ 532.233 [Amended]

9. In § 532.233, paragraphs (c) and (d) are amended by replacing all occurences of the terms "Payline rates", "payline rate" and "payline rates" with the terms "Step 2 rates", "step 2 rate" and "step 2 rates" respectively.

§ 532.235 [Amended]

10. In § 532.235, paragraphs (c) and (d) are amended by replacing all occurences of the terms "Payline rates", "payline rate" and "payline rates" with the terms "Step 2 rates", "step 2 rate" and "step 2 rates" respectively.

§ 532.233 [Redesignated as § 532.255]

11. Sections 532.233 and 532.235 are redesignated as §§ 532.255 and 532.257 respectively.

§ 532.234 [Redesignated as § 532.259]

§ 532.235 [Redesignated as § 532.257]

12. Section 532.234 is redesignated as § 532.259.

13. The following sections are redesignated as set out below:

Old Section	*New Section*
§ 532.207	§ 532.227
§ 532.209	§ 532.229
§ 532.211	§ 532.231
§ 532.213	§ 532.233
§ 532.215	§ 532.235
§ 532.217	§ 532.237
§ 532.219	§ 532.239
§ 532.221	§ 532.241
§ 532.223	§ 532.243
§ 532.225	§ 532.245
§ 532.227	§ 532.247
§ 532.229	§ 532.249
§ 532.231	§ 532.251

14. New §§ 532.207, 532.209, 532.211, 532.213, 532.215, 532.217, 532.219, 532.221, 532.223, and 532.225 are added to read as follows:

§ 532.207 Time schedule for wage surveys.

(a) Wage surveys shall be conducted on a 2 year cycle at annual intervals.

(b) A full-scale survey shall be made in the 1st year of the 2 year cycle and shall include development of a current sample of establishments and the collection of wage data by visits to establishments.

(c) A wage-change survey shall be made every other year using only the same employers, occupations, survey jobs, and establishment weights used in the preceding full-scale survey. Data may be collected by telephone, mail, or personal contact.

(d) Scheduling of surveys shall take into consideration the following criteria:

(1) The best timing in relation to wage adjustments in the principal local private enterprise establishments;

(2) Reasonable distribution of workload of the lead agency;

(3) The timing of surveys for nearby or selected wage areas; and

(4) Scheduling relationships with other pay surveys.

(e) The Office of Personnel Management may authorize adjustments to the normal cycle as requested by the lead agency and based on the criteria in paragraph (d) of this section or to accommodate special studies or adjustments consistent with determining local prevailing rates.

(f) The beginning month of appropriated and nonappropriated fund wage surveys and the fiscal year during which full-scale surveys will be conducted are set out as appendices A and B to this subpart and are incorporated in and made part of this section.

§ 532.209 Lead agency.

(a) The Office of Personnel Management shall select a lead agency for each appropriated and nonappropriated fund wage area based on the number of agency employees covered by the regular wage schedule for that area and the capability of the agency in providing administrative and clerical support at the local level necessary to conduct a wage survey.

(b) OPM may authorize exceptions to these criteria where this will improve the administration of the local wage survey.

(c) The listing in appendix A to this subpart shows the lead agency for each appropriated fund wage area. The Department of Defense is the lead agency for each nonappropriated fund wage area.

§ 532.211 Criteria for establishing appropriated fund wage areas.

(a) Each wage area shall consist of one or more survey areas along with nonsurvey areas, if any.

(1) *Survey area:* A survey area is comprised of the counties, parishes, cities, or townships in which survey data are collected. Except in very unusual circumstances, a wage area which includes a Metropolitan Statistical Area shall have the Metropolitan Statistical Area as the survey area or part of the survey area.

(2) *Nonsurvey area:* Nonsurvey counties, parishes, cities, or townships may be combined with the survey area(s) to form the wage area through consideration of the criteria in paragraph (d)(1) of this section.

(b) Wage areas shall include wherever possible a recognized economic community such as a Metropolitan Statistical Area, or a political unit such as a county. Two or more economic communities or political units, or both, may be combined to constitute a single wage area; however, except in unusual circumstances and as an exception to the criteria, an individually defined Metropolitan Statistical Area or county shall not be subdivided for the purpose of defining a wage area.

(c) Except as provided in paragraph (a) of this section, wage areas shall be established when:

(1) There is a minimum of 100 wage employees of one agency subject to the regular schedule and the agency involved indicates that its local installation has the capacity to do the survey, and

(2) There is, within a reasonable commuting distance of the concentration of Federal employment:

(i) A minimum of either 20 establishments within survey specifications having at least 50 employees each; or 10 establishments having at least 50 employees each, with a combined total of 1,500 employees, and

(ii) The total private enterprise employment in the industries surveyed in the survey area is at least twice the Federal wage employment in the survey area.

(d) (1) Adjacent economic communities or political units meeting the separate wage area criteria in paragraphs (b) and (c) of this section may be combined through consideration of:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

(2) When two wage areas are combined, the survey area of either or both may be used, depending on the concentrations of Federal and private employment and locations of establishments, the proximity of the survey areas to each other, and the extent of economic similarities or differences as indicated by relative levels of wage rates in each of the potential survey areas.

(e) Appropriated fund wage and survey area definitions are set out as appendix C to this subpart and are incorporated in and made part of this section.

§ 532.213 Industries included in regular appropriated fund wage surveys.

(a) Industries in the following Standard Industrial Classifications (SIC) shall be included in all wage surveys for regular wage schedules:

Manufacturing:	
SIC 20 through 26 and 28 through 38.	All manufacturing classes except SIC 27 (printing, publishing, and allied industries) and SIC 39 (miscellaneous manufacturing industries).
Transportation, Communications, Electric, Gas, and Sanitary Services:	
SIC 40	Railroad transportation
SIC 41 (except 412).	Local and suburban transit and interurban highway passenger transportation except taxicabs (SIC 412).
SIC 42	Motor freight transportation and warehousing.
SIC 45	Transportation by air.
SIC 48	Communication.
SIC 49	Electric, gas, and sanitary services.
Wholesale Trade	
SIC 50	Wholesale trade—durable goods.
SIC 51	Wholesale trade—nondurable goods.

(b) A lead agency may add other industry classes to a regular survey in an area where these industries accoun. for significant proportions of local private employment of the kinds and levels found in local Federal employment.

(c) Specifically excluded from all wage surveys for regular wage schedules are food service and laundry establishments and industries having peculiar employment conditions which directly affect the wage rates paid and which are the basis for special wage surveys.

§ 532.215 Establishments included in regular appropriated fund surveys.

(a) All establishments having a total employment of 50 or more employees in the prescribed industries within a survey area shall be included within the survey universe. On rare occasions and as an exception to the rule, OPM may authorize lower minimum size levels based on a recommendation of the lead agency for the wage area.

(b) Establishments to be covered in surveys shall be selected under standard probability sample selection procedures. In areas with relatively few establishments, surveys shall cover all establishments within the prescribed industry and size groups.

(c) A lead agency may not delete from a survey an establishment properly included in an establishment list drawn under statistical sampling procedures.

§ 532.217 Appropriated fund survey jobs.

(a) A lead agency shall survey the following required jobs:

Job title	Job grade
Janitor (Light)	1
Janitor	2
Material Handler	2
Maintenance Laborer	3
Packer	4
Helper (Trades)	5
Warehouseman	5
Forklift Operator	5
Material Handling Equipment Operator	5
Truckdriver (Medium)	6
Truckdriver (Heavy)	7
Machine Tool Operator II	8
Machine Tool Operator I	9
Carpenter	9
Electrician	10
Automotive Mechanic	10
Sheet Metal Mechanic	10
Pipefitter	10
Welder	10
Machinist	10
Electronics Mechanic	11
Toolmaker	13

(b) A lead agency may not omit a required survey job from a regular schedule wage survey.

(c) A lead agency may survey the following jobs on an optional basis:

Job title	Job grade
Aircraft Structures Assembler B	7
Aircraft Structures Assembler A	9
Aircraft Mechanic	10
Electrician, Ship	10
Pipefitter, Ship	10
Shipfitter	10
Shipwright	10
Machinist, Marine	10
Cable Splicer (Electric)	10
Electrical Lineman	10
Electrician (Powerplant)	10
Telephone Installer-Repairer	9
Heavy Mobile Equipment Mechanic	10
Heavy Mobile Equipment Operator	10
Air Conditioning Mechanic	10
Rigger	10
Trailer Truck Driver	8
Tool Crib Attendant	6
Painter (Finish)	9
Light Vehicle Operator	5
Boiler Plant Operator	9
Boiler Plant Operator	10
Meat Cutter	8
Equipment Mechanic	10
Boom Crane Operator	9
Boom Crane Operator (Precision)	11
Tool and Parts Attendant	4
Painter (Rough)	7
Industrial Electronic Controls Repairer	10
Electronic Test Equipment Repairer	11
Electronic Computer Mechanic	11
Television Station Mechanic	11

(d) A lead agency may add the following survey jobs to the survey when the Hospital industry is included in the survey:

Job title	Job grade
Laundry Worker	1
Food Service Worker	2
Cook	8

(e) A lead agency must obtain prior approval of OPM to add a job not authorized under paragraphs (a), (c), or (d) of this section.

§ 532.219 Criteria for establishing nonappropriated fund wage areas.

(a) Each wage area shall consist of one or more survey areas along with nonsurvey areas, if any, having nonappropriated fund employees.

(1) Survey area: A survey area is comprised of the counties, parishes, cities, or townships in which survey data are collected.

(2) Nonsurvey area: Nonsurvey counties, parishes, or townships may be combined with the survey area to form the wage area through consideration of the criteria in paragraph (c) of this section.

(b) Wage areas shall be established when:

(1) There is a minimum of 26 NAF wage employees in the survey area and local activities have the capability to do the survey, and

(2) There is within the survey area a minimum of 1,800 private enterprise employees in establishments within survey specifications.

(c) Two or more counties may be combined to constitute a single wage area through consideration of:

(1) Proximity of largest activity in each county;

(2) Transportation facilities and commuting patterns; and

(3) Similarities of the counties in:

(i) Overall population;

(ii) Private employment in major industry categories; and

(iii) Kinds and sizes of private industrial establishments.

(d) The nonappropriated fund wage and survey area definitions are set out as Appendix D to this subpart and are incorporated in and made part of this section.

§ 532.221 Industries included in regular nonappropriated fund surveys.

(a) Industries in the following Standard Industrial Classifications (SIC) shall be included in all wage surveys for regular wage schedules:

SIC	title
Wholesale:	
5013	Motor vehicle supplies and new parts.
5122	Drugs, drug proprietaries, and druggists sundries.
5198	Paints, varnishes, and supplies.
5131	Piece goods and notions.
5136	Men's and boy's clothing and furnishings.
5137	Women's children's and infants' clothing and accessories.
5139	Footwear.
5145	Confectionery.
5064	Electrical appliances, television and radio sets.
5065	Electrical parts and equipment.
5072	Hardware.
5171	Petroleum bulk stations and terminals.
5172	Petroleum and petroleum products wholesalers, except bulk stations and terminals.
5194	Tobacco and tobacco products.
5111	Printing and writing paper.
5112	Stationary supplies.
5113	Industrial and personal service paper.
5021	Furniture.
5023	Home furnishings.
5091	Sporting and recreational goods and supplies.
5092	Toys and hobby goods and supplies.
5043	Photographic equipment and supplies.
5094	Jewelry, watches, diamonds and other precious stones.
5099	Durable goods, not elsewhere classified.
5159	Farm-product raw materials, not elsewhere classified.
5191	Farm supplies.
5192	Books, periodicals and newspapers.
5193	Flowers and florists supplies.
5199	Nondurable goods, not elsewhere classified.
Retail:	
5311	Department stores.
5331	Variety stores.
5962	Automatic merchandising, machine operators.
5541	Gasoline service stations.
5812	Eating places.
5813	Drinking places (alcoholic beverages).

SIC	title
Services and Recreation:	
7011	Hotels, motels and tourist courts.
7933	Bowling centers.
7997	Membership sports and recreation clubs (golf and country clubs only)

(b) A lead agency may add other industry classes from within the wholesale, retail, and service industry divisions in an area where these industries account for significant proportions of local private employment of the kinds and levels found in local NAF employment.

(c) Additional industries shall be defined in terms of entire industry classes (fourth digit breakdown).

§ 532.223 Establishments included in regular nonappropriated fund surveys.

(a) All establishments having 20 or more employees in the prescribed industries within a survey area shall be included in the survey universe. Establishments in SIC 5962, SIC 5541, SIC 7933, and SIC 7997 shall be included in the survey universe if they have eight or more employees.

(b) Establishment selection procedures are the same as those prescribed for appropriated fund surveys in paragraphs (b) and (c) of § 532.213 of this subpart.

§ 532.225 Nonappropriated fund survey jobs.

(a) A lead agency shall survey the following required jobs:

Job title	Job grade
Janitor (Light)	1
Food Service Worker	1
Food Service Worker	2
Fast Food Worker	2
Janitor	2
Laborer (Light)	2
Laborer (Heavy)	3
Service Station Attendant	3
Stock Handler	4
Short Order Cook	5
Materials Handling Equipment Operator	5
Warehouseman	5
Service Station Attendant	5
Truck Driver (Light)	5
Truck Driver (Medium)	6
Truck Driver (Heavy)	7
Cook	8
Carpenter	9
Painter	9
Automotive Mechanic	10
Electrician	10

(b) A lead agency may not omit a required survey job from a regular schedule wage survey.

(c) A lead agency may survey the following jobs on an optional basis:

Job title	Job grade
Service Station Attendant	1
Groundskeeper	4
Grill Attendant	4
Tractor Operator	6
Bowling Equipment Mechanic	7
Building Maintenance Worker	7
Vending Machine Mechanic	8
Building Maintenance Worker	8
Air Conditioning Equipment Mechanic	8
Truck Driver (Trailer)	8
Air Conditioning Equipment Mechanic	10

(d) A lead agency must obtain prior approval of OPM to add a job not listed under paragraphs (a) or (c) of this section.

15. New § 532.253 is added to read as follows:

§ 532.253 Special rates or rate ranges for leader, supervisory, and production facilitating positions.

(a) When special rates or rate ranges are established for nonsupervisory positions, a lead agency shall also establish special rates for leader, supervisory, and production facilitating positions, classified to the same occupational series and title, which lead, supervise, or perform production facilitating work directly relating to the nonsupervisory jobs covered by the special rates.

(b) The step rate structure shall be the same as that of the related nonsupervisory special rate or rate range.

(c) The following formulas shall be used to establish a special rate or rate range:

(1) A single rate shall equal the top step of the appropriate leader, supervisory, or production facilitating grade on the regular schedule plus the cents per hour difference between the top step of the appropriate nonsupervisory grade on the regular schedule and the special nonsupervisory rate.

(2) For a multiple rate range, the step 2 rate equals the step 2 rate of the appropriate leader, supervisory, or production facilitating grade on the regular schedule plus the cents per hour difference between the prevailing rate of the appropriate nonsupervisory grade on the regular schedule and the prevailing rate of the special rate position. Other required step rates shall be computed in accordance with the formula established in § 532.203 of this subpart.

16. New §§ 532.261, 532.263, 532.265, 532.267, 532.269, 532.271, 532.273, 532.275, 532.277, 532.279, 532.281, and 532.283 are added to subpart B to read as follows:

§ 532.261 Special wage schedules for leader and supervisory schedules for leader and supervisory wage employees in the Puerto Rico wage area.

(a) The Department of Defense shall establish special wage schedules for leader and supervisory wage employees in the Puerto Rico wage area.

(b) The step 2 rate for each grade of the leader wage schedule shall be equal to 120 percent of the rate for step 2 of the corresponding grade of the nonsupervisory regular wage schedule for the Puerto Rico wage area.

(c) The step 2 rate for the supervisory wage schedule shall be:

(1) For grades WS–1 through WS–10, equal to the rate for step 2 of the corresponding grade of the nonsupervisory regular wage schedule for the Puerto Rico wage area, plus 60 percent of the rate for step 2 of WG–10.

(2) For grades WS–11 through WS–18 the rates shall be the second rate of WS–10 plus 5, 11.5, 19.6, 29.2, 40.3, 52.9, 67.1, and 82.8 percent, respectively, of the difference between the step 2 rates of WS–10 and WS–19. WS–19 shall be equal to the third rate in effect for General Schedule grade GS–14 at the time of the area wage schedule adjustment. The WS–19 rate shall include any cost of living allowance payable for the area under 5 U.S.C. 5941.

(d) Step rates shall be developed by using the formula established in § 532.203 of this subpart.

§ 532.263 Special wage schedules for production facilitating positions.

(a) The lead agency in each FWS wage area shall establish special nonsupervisory and supervisory production facilitating wage schedules for employees properly allocable to production facilitating positions under applicable Federal Wage System job grading standards.

(b) Nonsupervisory schedules shall have 11 pay levels and supervisory schedules shall have 9 pay levels.

(c) Pay levels, and rates of pay, for nonsupervisory (WD) schedules and supervisory (WN) schedules are identical to the pay levels, and rates of pay, for counterpart grades on the local FWS regular supervisory pay schedule. Pay levels shall be determined in accordance with the following table:

	WD supervisory level	WS grade
WD supervisory level:		
1		3
2		4
3		5
4		6
5	1	7

	WD supervisory level	WS grade
6	2	8
7	3	9
8	4	10
9	5	11
10	6	12
11	7	13
	8	14
	9	15

(d) Special production facilitating schedules shall be effective on the same date as the regular wage schedules in the FWS wage area.

§ 532.265 Special wage schedules for apprentices and shop trainees.

(a) Agencies are authorized to establish special wage schedules for apprentices and shop trainees who are included in:

(1) Formal apprenticeship programs involving training for journeyman level duties in occupations which are recognized as apprenticeable by the Bureau of Apprenticeship and Training, U.S. Department of Labor, or

(2) Formal shop trainee programs involving training for journeyman level duties in nonapprenticeable occupations which require specialized trade or craft skill and knowledge.

(b) Special schedules shall consist of a single wage rate for each training period. Wage rates shall be determined as follows:

(1) Rates shall be based on the current second step rate of the target journeyman grade level on the regular nonsupervisory wage schedule for the area where the apprentice or trainee is employed.

(2) The entrance rate shall be computed at 65 percent of the journeyman level, step 2 rate, or the WG–1, step 1 rate, whichever is greater.

(3) When the WG–1, step 1 rate is used, the apprentice rate shall be increased by a minimum of 5 cents per hour for each succeeding increment interval until the rate obtained by this method equals the rate computed under the formula. No increase shall be less than 5 cents per hour.

(c) Advancement to higher increments shall be at 26-week intervals, regardless of the total length of the training period. Intermediate rates shall be established by subtracting the entrance rate from the journeyman level, step 2 rate, and dividing the difference by the number of 26 week periods of the particular training term. The resulting quotient equals the increment for each succeeding rate.

(d) Agencies may hire at advanced rates or accelerate progression through scheduled wage rates if prescribed by approved agency training standards or programs.

(e) If the employee is promoted to the target job or to a job at the same grade level, the promotion shall be to the second step rate. If the employee is assigned to a job at a grade level which is less than the grade level of the target job, existing pay fixing rules shall be followed.

§ 532.267 Special wage schedules for aircraft, electronic, and optical instrument overhaul and repair positions in Puerto Rico.

(a) The Department of Defense shall conduct special industry surveys and establish special wage schedules for wage employees in Puerto Rico whose primary duties involve the performance of work related to aircraft, electronic equipment, and optical instrument overhaul and repair.

(b) Except as provided in this section, regular appropriated fund wage survey and wage setting procedures are applicable.

(c) Special survey specifications are as follows:

(1) Surveys shall, as a minimum, include the air transportation and electronics industries in SICs 3571, 3572, 3575, 3577, 3663, 3669, 3679, 3672, 3695, 3812, 4512, 4513, 4522, 4581, 5044, and 5045.

(2) Surveys shall cover all establishments in the surveyed industries.

(3)Surveys shall, as a minimum, include all the following jobs:

Job titles	Job grades
Aircraft Cleaner	3
Fleet Service Worker	5
Aircraft Mechanic	10
Industrial Electronic Controls Repairer	10
Aircraft Instrument Mechanic	11
Electronic Test Equipment Repairer	11
Electronics Mechanic	11
Electronic Computer Mechanic	11
Television Station Mechanic	11

(d) The data collected in a special wage survey shall be considered adequate if there are as many weighted matches used in computing the nonsupervisory payline as there are employees covered by the special wage rate schedules.

(e) Each survey job used in computing the nonsupervisory payline must inlcude a minimum of three unweighted matches.

(f) Special schedules shall have three step rates with the payline fixed at step 2. Step 1 shall be set at 96 percent of the payline rate and step 3 shall be set at 104 percent of the payline rate.

(g) The waiting period for within-grade increases shall be 26 weeks between steps 1 and 2 and 78 weeks between steps 2 and 3.

(h) Special wage schedules shall be effective on the same date as the regular wage schedules for the Puerto Rico wage area.

§ 532.269 Special wage schedules for Corps of Engineers, U.S. Army navigation lock and dam employees.

(a) The Department of Defense shall establish special wage schedules for nonsupervisory, leader, and supervisory wage employees of the Corps of Engineers, U.S. Army, who are engaged in operating lock and dam equipment, or who repair and maintain navigation lock and dam operating machinery and equipment.

(b) Employees are subject to one of the following pay provisions:

(1) If all navigation lock and dam installations under a District headquarters office are located within a single wage area, the employees shall be paid from special wage schedules having rates identical to the regular wage schedule applicable to that wage area.

(2) If navigation lock and dam installations under a District headquarters office are located in more than one wage area, employees shall be paid from a special wage schedule having rates identical to the regular wage schedule authorized for the headquarters office.

(c) Each special wage schedule is effective on the same date as the regular schedule on which it is based.

§ 532.271 Special wage schedules for National Park Service positions in overlap areas.

(a) (1) The Department of the Interior shall establish special schedules for wage employees of the National Park Service whose duty station is located in one of the following NPS jurisdictions:

(i) Blue Ridge Parkway

(ii) Natchez Trace Parkway

(iii) Great Smoky Mountains National Park

(2) Each of these NPS jurisdictions is located in (i.e., overlaps) more than one FWS wage area.

(b) The special overlap wage schedules in each of the NPS jurisdictions shall be based on a determination of which regular nonsupervisory wage schedule in the overlapped FWS wage areas provides the most favorable payline for the employees.

(c) The most favorable payline shall be determined by computing a simple average of the 15 nonsupervisory second step rates on each one of the regular schedules authorized for each wage area overlapped. The highest average obtained by this method will identify the regular schedule which produces the most favorable payline.

(d) Each special schedule is effective on the same date as the regular schedule on which it is based.

(e) If there is a change in the identification of the most favorable payline, the special schedule for the current year shall be issued on its normal effective date. The next special schedule shall be issued on the effective date of the next regular schedule which in the previous year produced the most favorable payline for the NPS jurisdiction.

§ 532.273 Special wage schedules for United States Information Agency Radio Antenna Rigger positions.

(a) The United States Information Agency shall establish special wage schedules for Radio Antenna Riggers employed at transmitting and relay stations in the United States.

(b) The wage rate shall be the regular wage rate for the appropriate grade for Radio Antenna Rigger for the wage area in which the station is located, plus 25 percent of that rate.

(c) The 25 percent differential shall be in lieu of any environmental differential which would otherwise be payable.

(d) The special schedules shall be effective on the same date as the regular wage schedules for the wage area in which the positions are located.

§ 532.275 Special wage schedules for ship surveyors in Puerto Rico.

(a) The Department of Defense shall establish special wage schedules for nonsupervisory ship surveyors and supervisory ship surveyors in Puerto Rico.

(b) Rates shall be computed as follows:

(1) The step 2 rate for nonsupervisory ship surveyors shall be set at 149.5 percent of the WG–10, step 2 rate on the overseas schedule.

(2) The step 2 rate of supervisory ship surveyors shall be set at 166.75 percent of the WG–10, step 2 rate on the overseas schedule.

(3) Step rates shall be developed by using the standard formulas established in § 532.203 of this part.

(c) The special wage schedules shall be effective on the same date as the regular wage schedules applicable to the Puerto Rico wage area.

§ 532.277 Special wage schedules for U.S. Navy positions in Bridgeport, California.

(a) The Department of Defense shall establish special wage schedules for prevailing rate employees at the United States Marine Corps Mountain Warfare Training Center in Bridgeport, California.

(b) Schedules shall be established by increasing the step 2 rates on the Reno, Nevada regular wage schedule by 10 percent.

(c) Step rates shall be developed by using the standard formulas established in § 532.203 of this subpart.

(d) The special wage schedules shall be effective on the same date as the regular wage schedules applicable to the Reno, Nevada wage area.

§ 532.279 Special wage schedules for printing positions.

(a) The lead agency in a special printing schedule area listed in paragraph (j) of this section shall conduct special printing surveys and establish special printing schedules for positions properly allocable to the 4400 printing job family or the 5330 printing equipment repairing job series under FWS job grading standards.

(b) Except as provided in this section, regular appropriated fund wage survey and wage setting procedures established in §§ 532.213 through 532.227 of this subpart are applicable to printing surveys and schedules.

(c) Specifications for printing surveys are as follows:

(1) Standard industrial code 2752 shall be included in the printing survey. A lead agency may also add other SICs in Major Group 27 to the survey in light of survey experience.

(2) Surveys shall cover establishments with a total employment of 20 or more.

(3) A lead agency shall survey the following jobs:

Job title	Job grade
Opaquer	4
Offset Press Helper	5
Bindery Machine Operator (Helper)	5
Film Assembler-Stripper (Single Flat-Single Color)	5
Platemaker (Single Color)	5
Film Assembler-Stripper (Partial and Composite Flats)	7
Platemaker (Double Exposure and Multi-color Line)	7
Offset Press Operator	8
Bindery Machine Operator (Paper Cutter)	8
Bindery Machine Operator (Power Folder)	8
Film Assembler-Stripper (Multiple Flat-Multiple Color)	8
Platemaker (Multicolor Halftones and Screen Tints)	8
Bindery Machine Operator	9
Offset Operator (15–18 Thru 14–20)	9
Offset Operator (17–22 Thru 19–25)	9
Offset Operator (22–29 Thru 35–39)	9
Offset Operator (35–45 and Larger)	10
Offset Photographer (Halftone)	10
Negative Engraver	10
Bookbinder	10
Lithographic Pressman Multicolor (17–22 Thru 25–39)	10
Lithographic Pressman Multicolor (34–44 and Larger)	11
Offset Photographer (Process Color)	11

(d) The data collected in a special printing survey shall be considered adequate for computing paylines if the unweighted job matches for nonsupervisory jobs include at least 20 matches in the grade 1 through 5 range, 20 matches in the grade 6 through 8 range, 40 matches in the grade 9 and above range, and 60 additional matches at any grade.

(e) Each survey job used in computing printing schedule paylines must include a minimum of three unweighted matches.

(f) Special printing schedules shall have three step rates with the payline fixed at step 2. Step 1 shall be set at 96 percent of the payline rate and step 3 shall be set at 104 percent of the payline rate.

(g) No step 3 rate on a special printing schedule shall be less than the maximum rate of the corresponding grade on the regular wage schedule for the wage area. If an adjustment is required under this provision, the payline rate of the special schedule shall be adjusted so as to provide a step 3 special schedule rate equal to the maximum rate of the corresponding regular schedule grade when the formula in paragraph (f) of this section is applied. Step 1 shall be set at 96 percent of the adjusted payline rate.

(h) The waiting period for within-grade increases under special printing schedules is 26 weeks between steps 1 and 2 and 78 weeks between steps 2 and 3.

(i) Special printing schedules shall be effective on the same date as the regular wage schedules for the authorized wage areas.

(j) Special printing schedules are authorized in the following wage areas:

(1) Washington, DC
(2) St. Louis, Missouri
(3) Kansas City, Missouri
(4) Philadelphia, Pennsylvania
(5) New York, New York
(6) Atlanta, Georgia
(7) San Francisco, California
(8) Los Angeles, California
(9) San Diego, California
(10) Detroit, Michigan

(11) Seattle-Everett-Tacoma, Washington

§ 532.281 Special wage schedules for Divers and Tenders.

(a) Agencies are authorized to establish special schedule payments for prevailing rate employees who perform diving and tending duties.

(b) Employees who perform diving duties shall be paid 175 percent of the locality WG–10, step 2 rate for all payable hours of the shift.

(c) Employees who perform tending duties shall be paid at the locality WG–10, step 2 rate for all payable hours of the shift.

(d) Employees whose regular scheduled rate exceeds the diving/tending rate on the day they perform such duties shall retain their regular scheduled rate on that day.

(e) An employee's diving/tending rate shall be used as the basic rate of pay for computing all premium payments for a shift.

(f) Employees who both dive and tend on the same shift shall receive the higher diving rate as the basic rate of all hours of the shift.

§ 532.283 Special wage schedules for nonappropriated fund tipped employees classified as Waiter/Waitress.

(a) Tipped employees shall be paid from the regular nonappropriated fund (NAF) schedule applicable to the employees' duty station.

(b) A tip offset may be authorized for employees classified as Waiter/Waitress. For purposes of this section, a tipped employee is one who is engaged in an occupation in which he or she customarily and regularly receives more than $30 a month in tips and a tip offset is the amount of money by which an employer, in meeting legal minimum wage standards, may reduce a tipped employee's cash wage in consideration of the receipt of tips.

(c) A tip offset may be established, abolished, or adjusted by NAF instrumentalities on an annual basis and at such additional times as new or revised minimum wage statutes require. The amount of any tip offset may vary within a single instrumentality based on location, type of service or time of service.

(d) If tipped employees are represented by a labor organization holding exclusive recognition, the employing NAF instrumentality shall negotiate with such organization to arrive at a determination as to whether, when, and how much tip offset shall be applied. Changes in tip offset practices may be made more frequently than annually as a result of collective bargaining agreement.

(e) Tip offset practices shall be governed by the Fair Labor Standards Act, as amended, or the applicable statutes of the state, possession or territory where an employee works, whichever provides the greater benefit to the employee. In locations where tip offset is prohibited by law, the requirements of paragraphs (c) and (d) of this section do not apply.

17. Appendices A, B, C, and D to subpart B are added to read as follows:

Appendix A to Subpart B of Part 532—Nationwide Schedule of Appropriated Fund Regular Wage Surveys

This appendix shows the annual schedule of wage surveys. It lists all States alphabetically, each State being followed by an alphabetical listing of all wage areas in the State. Information given for each wage area includes:

—Wage area code.
—The lead agency responsible for conducting the survey.
—The month in which the survey will begin.
—Whether full-scale surveys will be done in odd or even numbered fiscal years.

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full-scale survey odd or even
Alabama	Anniston-Gadsden	DoD	April	Even.
	Birmingham	VA	January	Even.
	Dothan	DoD	July	Odd.
	Huntsville	DoD	April	Even.
Alaska	Alaska	DoD	July	Even.
Arizona	Northeastern Arizona	DoD	March	Odd.
	Phoenix	DoD	March	Odd.
	Tucson	DoD	March	Odd.
Arkansas	Little Rock	DoD	August	Even.
California	Fresno	DoD	February	Odd.
	Los Angeles	DoD	September	Even.
	Sacramento	DoD	February	Odd.
	Salinas-Monterey	DoD	February	Even.
	San Bernardino-Riverside-Ontario	DoD	September	Even.
	San Diego	DoD	September	Odd.
	San Francisco	DoD	September	Odd.
	Santa Barbara	DoD	September	Even.
	Stockton	DoD	February	Odd.
Colorado	Denver	DoD	January	Odd.
	Southern & Western Colorado	DoD	January	Even.
Connecticut	New Haven-Hartford	VA	April	Odd.
	New London	DoD	September	Even.
Delaware	Wilmington	DoD	November	Even.
District of Columbia	Washington, DC	DoD	August	Odd.
Florida	Cocoa Beach-Melbourne	DoD	October	Even.
	Jacksonville	DoD	January	Odd.
	Miami	DoD	January	Odd.
	Orlando	DoD	September	Odd.
	Panama City	DoD	September	Even.
	Pensacola	DoD	September	Odd.
	Tampa-St. Petersburg	VA	April	Even.
Georgia	Albany	DoD	August	Odd.
	Atlanta	DoD	May	Odd.
	Augusta	DoD	June	Odd.
	Columbus	DoD	August	Odd.
	Macon	DoD	June	Odd.
	Savannah	DoD	May	Odd.

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full-scale survey odd or even
Hawaii	Hawaii	DoD	June	Even.
Idaho	Boise	DoD	July	Odd.
Illinois	Champaigne-Urbana	DoD	September	Odd.
	Chicago	VA	September	Even.
Indiana	Bloomington-Bedford-Washington	DoD	October	Odd.
	Fort Wayne-Marion	VA	November	Odd.
	Indianapolis	DoD	October	Odd.
Iowa	Cedar Rapids-Iowa City	VA	July	Even.
	Davenport-Rock Island-Moline	DoD	October	Even.
	Des Moines	VA	September	Odd.
	Dubuque	DoD	October	Even.
Kansas	Topeka	DoD	November	Even.
	Wichita	DoD	November	Even.
Kentucky	Lexington	DoD	February	Even.
	Louisville	DoD	February	Odd.
Louisiana	Lake Charles-Alexandria	DoD	April	Even.
	New Orleans	VA	February	Odd.
	Shreveport	DoD	May	Even.
Maine	Augusta	VA	May	Odd.
	Central and Northern Maine	DoD	June	Even.
	Portland	DoD	May	Odd.
Maryland	Baltimore	DoD	September	Odd.
	Hagerstown-Martinsburg-Chambersburg	DoD	January	Even.
Massachusetts	Boston	VA	August	Even.
	Central and Western Massachusetts	DoD	June	Even.
Michigan	Detroit	DoD	January	Odd.
	Northwestern Michigan	DoD	August	Odd.
	Oscoda-Alpena	DoD	August	Odd.
	Southwestern Michigan	VA	October	Even.
Minnesota	Duluth	DoD	June	Odd.
	Minneapolis-St. Paul	VA	March	Odd.
Mississippi	Biloxi	DoD	November	Even.
	Columbus-Aberdeen	DoD	February	Even.
	Jackson	DoD	February	Odd.
	Meridian	DoD	February	Odd.
Missouri	Kansas City	DoD	October	Odd.
	St. Louis	DoD	October	Odd.
	Southern Missouri	DoD	October	Odd.
Montana	Great Falls	DoD	July	Odd.
Nebraska	Omaha	DoD	October	Odd.
Nevada	Las Vegas	DoD	September	Even.
	Reno	DoD	March	Even.
New Hampshire	Portsmouth	DoD	September	Even.
New Mexico	Albuquerque	DoD	April	Odd.
New York	Albany-Schenectady-Troy	DoD	March	Odd.
	Buffalo	VA	September	Even.
	Newburg	DoD	March	Even.
	New York	DoD	January	Even.
	Northern New York	DoD	March	Odd.
	Rochester	VA	February	Even.
	Syracuse-Utica-Rome	DoD	March	Even.
North Carolina	Asheville	VA	June	Even.
	Central North Carolina	DoD	May	Even.
	Charlotte	VA	August	Odd.
	Southeastern North Carolina	DoD	January	Odd.
North Dakota	North Dakota	DoD	March	Even.
Ohio	Cincinnati	VA	January	Odd.
	Cleveland	NASA	April	Odd.
	Columbus	DoD	January	Odd.
	Dayton	DoD	January	Even.
Oklahoma	Oklahoma City	DoD	August	Odd.
	Tulsa	DoD	August	Odd.
Oregon	Portland	DoD	August	Odd.
	Southwestern Oregon	VA	May	Even.
Pennsylvania	Harrisburg	DoD	January	Even.
	Philadelphia	DoD	October	Even.
	Pittsburgh	VA	August	Odd.
	Scranton-Wilkes-Barre	DoD	August	Odd.
Puerto Rico	Puerto Rico	DoD	July	Odd.
Rhode Island	Narragansett Bay	DoD	January	Odd.
South Carolina	Charleston	DoD	July	Even.
	Columbia	DoD	May	Even.
South Dakota	Eastern South Dakota	VA	October	Odd.
Tennessee	Eastern Tennessee	VA	February	Odd.
	Memphis	DoD	February	Even.
	Nashville	DoD	February	Even.
Texas	Austin	DoD	June	Even.
	Corpus Christi	DoD	June	Even.
	Dallas-Fort Worth	DoD	October	Odd.

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full-scale survey odd or even
	El Paso	DoD	April	Even.
	Houston-Galveston-Texas City	VA	March	Even.
	San Antonio	DoD	June	Odd.
	Texarkana	DoD	April	Odd.
	Waco	DoD	May	Odd.
	Western Texas	DoD	May	Odd.
	Wichita Falls-Southwestern Oklahoma	DoD	August	Even.
Utah	Utah	DoD	July	Odd.
Virginia	Norfolk-Portsmouth-Newport News-Hampton	DoD	May	Even.
	Richmond	DoD	November	Odd.
	Roanoke	VA	November	Even.
Washington	Seattle-Everett-Tacoma	DoD	September	Even.
	Southeastern Washington-Eastern Oregon	DoD	June	Odd.
	Spokane	DoD	July	Odd.
West Virginia	West Virginia	DoD	March	Odd.
Wisconsin	Madison	VA	July	Even.
	Milwaukee	VA	June	Odd.
	Southwestern Wisconsin	DoD	June	Even.
Wyoming	Wyoming	DoD	January	Even.

Appendix B to Subpart B of Part 532—Nationwide Schedule of Nonappropriated Fund Regular Wage Surveys

This appendix shows the annual schedule of NAF wage surveys. It lists all States alphabetically, each State being followed by an alphabetical listing of all wage areas in the State. Information given for each wage area includes:

—The lead agency responsible for conducting the survey.
—The month in which the survey will begin.
—Whether full-scale surveys will be conducted in odd or even numbered fiscal years.

State	Wage area	Beginning month of survey	Fiscal year of full-scale survey odd or even
Alabama	Calhoun	April	Even.
	Madison	April	Even.
	Montgomery	August	Odd.
Alaska	Anchorage	July	Even.
Arizona	Maricopa	March	Odd.
	Pima	March	Odd.
	Yuma	October	Even.
Arkansas	Pulaski	August	Odd.
California	Alameda-Contra Costa	September	Odd.
	Imperial	September	Odd.
	Kern	February	Odd.
	Los Angeles	September	Even.
	Marin-Sonoma	September	Odd.
	Merced	February	Odd.
	Monterey	February	Odd.
	Orange	September	Even.
	Riverside	October	Odd.
	Sacramento	February	Odd.
	San Bernardino	October	Odd.
	San Diego	September	Odd.
	San Francisco	September	Odd.
	San Joaquin	February	Odd.
	Santa Barbara	September	Even.
	Santa Clara	September	Odd.
	Solano	September	Odd.
	Ventura	September	Even.
Colorado	Adams-Denver	January	Even.
	El Paso	January	Even.
Connecticut	New London	September	Even.
Delaware	Kent	November	Even.
District of Columbia	Washington, DC	August	Even.
Florida	Bay	September	Odd.
	Brevard	October	Even.
	Dade	January	Odd.
	Duval	January	Odd.
	Escambia	September	Odd.
	Hillsborough	July	Even.
	Monroe	January	Odd.
	Okaloosa	September	Odd.
	Orange	October	Even.
Georgia	Chatham	June	Odd.
	Clayton-Cobb-Fulton	June	Odd.
	Columbus	August	Odd.

State	Wage area	Beginning month of survey	Fiscal year of full-scale survey odd or even
	Dougherty	August	Odd.
	Houston	June	Odd.
	Lowndes	August	Odd.
	Richmond	June	Odd.
Guam	Guam	September	Even.
Hawaii	Honolulu	May	Even.
Idaho	Ada-Elmore	July	Odd.
Illinois	Champaign	October	Even.
	Cook	October	Odd.
	Lake	October	Odd.
	Rock Island	October	Even.
	St. Clair	November	Odd.
Indiana	Marion	October	Odd.
	Leavenworth-Jackson-Johnson	November	Odd.
Kansas	Sedgwick	November	Odd.
	Christian-Montgomery	February	Even.
Kentucky	Clark-Hardin-Jefferson	February	Even.
Louisiana	Bossier-Caddo	May	Odd.
	Orleans	February	Odd.
	Rapides	May	Odd.
Maine	Aroostook	July	Odd.
	Cumberland	May	Odd.
Maryland	Anne Arundel	October	Odd.
	Charles-St. Marys	August	Even.
	Harford	October	Odd.
	Montgomery-Prince Georges	August	Even.
	Washington	January	Even.
Massachusetts	Hampden	July	Odd.
	Middlesex	September	Even.
	Norfolk	September	Even.
Michigan	Macomb	January	Odd.
	Marquette	August	Odd.
Minnesota	Hennepin	March	Odd.
Mississippi	Harrison	October	Even.
	Lauderdale	February	Odd.
	Lowndes	February	Odd.
Montana	Cascade	July	Odd.
Nebraska	Douglas-Sarpy	October	Odd.
Nevada	Churchill-Washoe	March	Odd.
	Clark	October	Odd.
New Hampshire	Rockingham	September	Even.
New Jersey	Burlington	October	Even.
	Monmouth	January	Even.
	Morris	August	Odd.
	Ocean	October	Even.
New Mexico	Bernalillo	April	Odd.
	Dona Ana	April	Odd.
New York	Clinton	March	Even.
	Kings-Queens	January	Even.
	Niagara	January	Odd.
	Oneida	March	Even.
	Onondaga	March	Even.
	Orange	March	Even.
North Carolina	Craven	January	Odd.
	Cumberland	May	Even.
	Onslow	May	Odd.
	Wayne	May	Even.
North Dakota	Grand Forks	March	Odd.
	Ward	March	Odd.
Ohio	Franklin	January	Odd.
	Greene-Montgomery	January	Odd.
Oklahoma	Comanche	August	Even.
	Oklahoma	August	Odd.
Pennsylvania	Allegheny	August	Odd.
	Bucks-Montgomery	October	Even.
	Cumberland	May	Even.
	Franklin	January	Even.
	Lebanon	January	Even.
	Philadelphia	October	Even.
	York	May	Even.
Puerto Rico	Guaynabo-San Juan	July	Odd.
Rhode Island	Newport	January	Odd.
South Carolina	Charleston	July	Even.
	Horry	January	Odd.
	Richland	May	Even.
South Dakota	Pennington	January	Even.
Tennessee	Shelby	February	Even.
Texas	Bell	June	Odd.
	Bexar	June	Even.
	Dallas	November	Odd.

State	Wage area	Beginning month of survey	Fiscal year of full-scale survey odd or even
	El Paso	April	Odd.
	Lubbock	June	Odd.
	McLennan	April	Even.
	Nueces	June	Even.
	Tarrant	November	Odd.
	Taylor	June	Odd.
	Tom Green	June	Odd.
	Travis	June	Even.
	Wichita	August	Even.
Utah	Davis-Salt Lake-Weber	March	Odd.
Virginia	Alexandria-Arlington-Fairfax	August	Even.
	Chesterfield-Richmond	November	Even.
	Hampton-Newport News	May	Even.
	Norfolk-Portsmouth-Virginia Beach	May	Even.
	Prince William	August	Even.
Washington	King	July	Even.
	Kitsap	September	Even.
	Pierce	August	Even.
	Spokane	July	Odd.
Wyoming	Laramie	January	even

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas.

This appendix lists the wage area definitions for appropriated fund employees. With a few exceptions, each area is defined in terms of county units, independent cities, or, in the New England States, of entire township or city units. Each wage area definition consists of:

—Wage area title. Wage areas usually carry the title of the principal city in the area. Sometimes, however, the area title reflects a broader geographic area such as Wyoming or Eastern Tennessee.

—Survey area definition. Each county, independent city, or township in the survey area is listed.

—Area of application definition. Each county, independent city, or township which in addition to the survey area is in the area of application.

Definitions of Wage and Wage Survey Area

Alabama

Anniston-Gadsden
Survey Area
Alabama:
Calhoun
Etowah
Talladega
Area of Application. Survey area plus:
Alabama:
Cherokee
Clay
Cleburne
De Kalb
Randolph

Birmingham
Survey Area
Alabama:
Jefferson
St. Clair
Shelby
Tuscaloosa
Walker
Area of Application: Survey area plus:
Alabama:
Bibb
Blount
Cullman
Fayette
Greene
Hale
Lamar
Marengo
Perry
Pickens

Dothan
Survey area
Alabama:
Dale
Houston
Georgia:
Early
Area of Application. Survey area plus:
Alabama:
Barbour
Coffee
Geneva
Henry
Georgia:
Clay
Miller
Seminole

Huntsville
Survey Area
Alabama:
Limestone
Madison
Marshall
Morgan
Area of Application. Survey area plus:
Alabama:
Colbert
Franklin
Jackson
Lauderdale
Lawrence
Marion
Winston
Tennessee:
Franklin
Giles
Lawrence
Lincoln
Moore
Wayne

Alaska

Alaska
Survey Area
Alaska
Anchorage
Fairbanks
Juneau
(and the areas within a 15-mile radius of their corporate city limits)
Area of Application. State of Alaska (except special area schedules).

Arizona

Northeastern Arizona
Survey Area
Arizona:
Apache
Coconino
Navajo
New Mexico:
McKinley
San Juan
Area of Application. Survey area plus:
Colorado:
La Plata
Montezuma
Utah:
Kane
San Juan [1]

Phoenix
Survey Area
Arizona:
Gila
Maricopa

[1] Does not include the Canyonlands National Park portion.

Area of Application. Survey area plus:
Arizona:
Pinal
Yavapai
Tucson
Survey Area
Arizona:
Pima
Area of Application. Survey area plus:
Arizona:
Cochise
Graham
Greenlee
Santa Cruz

Arkansas

Little Rock
Survey Area
Jefferson
Pulaski
Saline
Area of Application. Survey area plus:
Arkansas:
Arkansas
Ashley
Baxter
Boone
Bradley
Calhoun
Carroll
Chicot
Clay
Clark
Cleburne
Cleveland
Conway
Crawford
Dallas
Desha
Drew
Faulkner
Franklin
Fulton
Garland
Grant
Greene
Hot Spring
Independence
Izard
Jackson
Johnson
Lawrence
Lincoln
Logan
Lonoke
Madison
Marion
Monroe
Montgomery
Newton
Ouachita
Perry
Phillips
Pike
Polk
Pope
Prairie
Randolph
Scott
Searcy
Sebastian
Sharp
Stone
Union
Van Buren
White
Woodruff
Yell

California

Fresno
Survey Area
California:
Fresno
Kings
Tulare
Area of Application. Survey area plus:
California:
Kern [2]
Madera
Mariposa
Merced
Tuolumne [3]
Los Angeles
Survey Area
California:
Los Angeles
Area of Application. Survey area plus:
California:
Inyo
Kern [4]
Orange
Riverside [5]
San Bernardino [6]
Ventura
Sacramento
Survey Area
California:
Placer
Sacramento
Sutter
Yolo
Yuba
Area of Application. Survey area plus:
California:
Alpine
Amador
Butte
Colusa
Del Norte
El Dorado
Glenn
Humboldt
Lake
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Tehama
Trinity
Salinas-Monterey
Survey Area
California:
Monterey
Area of Application. Survey area plus:
California:
San Benito
San Bernardino-Riverside-Ontario
Survey Area
California:
Riverside [7]
San Bernardino [8]
Area of Application. Survey area plus:
San Diego
Survey Area
California:
San Diego
Area of Application. Survey area plus:
California:
Imperial
Arizona:
La Paz
Yuma
San Francisco
Survey Area
California:
Alameda
Contra Costa
Marin
Napa
San Francisco
San Mateo
Santa Clara
Solano
Area of Application. Survey area plus:
California:
Mendocino
Santa Cruz
Sonoma
California—Continued Santa Barbara
Survey Area
California:
Santa Barbara
Area of Application. Survey area plus:
California:
San Louis Obispo
Stockton
Survey Area
California:
San Joaquin
Area of Application. Survey area plus:
California:
Calaveras
Stanislaus
Tuolumne [9]

[2] Does not include China Lake Naval Weapons Center, Edwards Air Force Base and portions occupied by Federal activities at Boron (City).

[3] Only includes Yosemite National Pary portion.

[4] Only includes the China Lake Naval Weapons Center, Edwards Air Force Base and portions occupied by Federal activities at Boron (City).

[5] Only includes the Joshua Tree National Monument portion.

[6] All of San Bernardino County except that portion occupied by, and south and west of, the Angeles and San Bernardino National Forests.

[7] Does not include the Joshua Tree National Monument portion

[8] Only that prtion occupied by, and south and west of, the Angeles and San Bernardino National Forests.

[9] Does not include the Yosemite National Park portion.

Colorado

Denver
Survey Area
Colorado:
Adams
Arapahoe
Boulder
Denver
Douglas
Gilpin
Jefferson
Area of Application. Survey area plus:
Colorado:
Clear Creek
Elbert
Grand
Jackson
Larimer
Logan
Morgan
Park
Phillips
Sedgwick
Summit
Washington
Weld
Yuma

Southern and Western Colorado
Survey Area
Colorado:
El Paso
Pueblo
Teller
Area of Application. Survey area plus:
Colorado:
Alamosa
Archuleta
Baca
Bent
Chaffee
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Eagle
Fremont
Garfield
Gunnison
Hinsdale
Huerfano
Kiowa
Kit Carson
Lake
Las Animas
Lincoln
Mesa
Mineral
Montrose
Otero
Ouray
Pitkin
Prowers
Rio Blanco
Rio Grande
Routt
Saguache
San Juan
San Miguel

Connecticut

New Haven—Hartford
Survey Area
Connecticut:
The following cities and towns in:
Fairfield County
Stratford
Hartford County
Bloomfield
East Granby
East Hartford
East Windsor
Enfield
Glastonbury
Hartford
Manchester
Newington
Rocky Hill
Suffield
West Hartford
Wethersfield
Windsor
Windsor Locks
Middlesex County
Cromwell
Middlefield
New Haven County
Branford
East Haven
Hamden
Meriden
Milford
New Haven
North Branford
North Haven
Orange
Wallingford
West Haven
Area of Application. Survey area plus:
Connecticut:
Fairfield County (nonsurvey area part)
Hartford County (nonsurvey area part)
Litchfield County
Middlesex County (nonsurvey area part except Old Saybrook)
New Haven County (nonsurvey area part)
Tolland County (except Somers)

New London
Survey Area
Connecticut:
The following cities and towns in:
Middlesex County
Old Saybrook
New London County
Baltic
Bozrah
East Lyme
Gales Ferry
Groton
Hanover
Jewett City
Ledyard
Lisbon
Lyme
Montville
Mystic
New London
Noank
Norwich
Oakdale
Old Mystic
Old Lyme
Pawcatuck
Poquonock Bridge
Preston
Quaker Hill
Stonington
Submarine Base
Uncasville
Versailles
Waterford
West Mystic
Rhode Island:
The following cities and towns in:
Washington County
Hopkinton
Westerly
Area of Application. Survey area plus:
Connecticut:
New London (nonsurvey area part)
Windham

Delaware

Wilmington
Survey Area
Delaware:
Kent
New Castle
Maryland:
Cecil
New Jersey:
Salem
Area of Application. Survey area plus:
Delaware:
Sussex
Maryland:
Caroline
Dorchester
Kent
Queen Annes
Somerset
Talbot
Wicomico
Worcester [10]

District of Columbia

Washington, DC
Survey Area
District of Columbia:
Washington, D.C.
Maryland:
Charles
Frederick
Montgomery
Prince Georges
Virginia (cities):
Alexandria
Fairfax

[10] Does not include the Assateague Island portion.

Falls Church
Virginia (counties):
Arlington
Fairfax
Loudoun
Prince William
Area of Application. Survey area plus:
Maryland:
Calvert
St. Marys
Virginia:
Fauquier
King George
Stafford

Florida

Cocoa Beach-Melbourne
Survey Area
Florida:
Brevard
Area of Application. Survey area plus:
Florida:
Indian River
Jacksonville
Survey Area
Florida:
Alachua
Baker
Clay
Duval
Nassau
St. Johns
Area of Application. Survey area plus:
Florida:
Bradford
Citrus
Columbia
Dixie
Flagler
Gilchrist
Hamilton
Lafayette
Lake
Levy
Madison
Marion
Putnam
Sumter
Suwannee
Taylor
Union
Georgia:
Brantley
Camden
Charlton
Glynn
Pierce
Miami
Survey Area
Florida:
Dade
Area of Application. Survey area plus:
Florida:
Broward
Collier
Glades
Hendry
Highlands
Martin
Monroe
Okeechobee
Palm Beach
St. Lucie
Orlando
Survey Area
Florida:
Orange
Osceola
Seminole
Area of Application. Survey area plus:
Florida:
Volusia
Panama City
Survey Area
Florida:
Bay
Gulf
Area of Application. Survey area plus:
Florida:
Calhoun
Franklin
Gadsden
Holmes
Jackson
Jefferson
Leon
Liberty
Wakulla
Washington
Pensacola
Survey Area
Florida:
Escambia
Santa Rosa
Area of Application. Survey area plus:
Florida:
Okaloosa
Walton
Albama:
Baldwin
Clarke
Conecuh
Covington
Escambia
Mobile
Monroe
Washington
Tampa-St. Petersburg
Survey Area
Florida:
Hillsborough
Pasco
Pinellas
Area of Application. Survey area plus:
Florida:
Charlotte
De Soto
Hardee
Hernando
Lee
Manatee
Polk
Sarasota

Georgia

Albany
Survey Area
Georgia:
Colquitt
Dougherty
Lee
Mitchell
Worth
Area of Application. Survey area plus:
Georgia:
Atkinson
Baker
Ben Hill
Berrien
Brooks
Calhoun
Clinch
Coffee
Cook
Decatur
Echols
Grady
Irwin
Lanier
Lowndes
Randolph
Sumter
Terrell
Thomas
Tift
Turner
Ware
Atlanta
Survey Area
Georgia:
Butts
Cherokee
Clayton
Cobb
De Kalb
Douglas
Fayette
Forsyth
Fulton
Gwinnett
Henry
Newton
Paulding
Rockdale
Walton
Area of Application. Survey area plus:
Georgia:
Banks
Barrow
Bartow
Carroll
Chattooga
Clarke
Coweta
Dawson
Fannin
Floyd
Franklin
Gilmer
Gordon
Greene
Habersham
Hall
Haralson
Heard
Jackson

Lumpkin
Madison
Morgan
Murray
Oconee
Oglethorpe
Pickens
Pike
Polk
Rabun
Spalding
Stephens
Towns
Union
White
Whitfield

Augusta
Survey Area
Georgia:
Columbia
McDuffie
Richmond
South Carolina:
Aiken
Area of Application. Survey area plus:
Georgia:
Burke
Elbert
Emanuel
Glasock
Hart
Jefferson
Jenkins
Lincoln
Taliaferro
Warren
Wilkes
South Carolina:
Allendale
Bamberg
Barnwell
Edgefield
McCormick

Columbus
Survey Area
Georgia (Counties):
Chattahoochee
Georgia (Consolidated government):
Columbus
Alabama:
Autauga
Elmore
Lee
Macon
Montgomery
Russell
Area of Application. Survey area plus:
Georgia:
Harris
Marion
Meriwether
Quitman
Schley
Stewart
Talbot
Taylor
Troup
Webster
Alabama:
Bullock
Butler
Chambers
Chilton
Coosa
Crenshaw
Dallas
Lowndes
Pike
Tallapoosa
Wilcox

Macon
Survey Area
Georgia:
Bibb
Houston
Jones
Laurens
Twiggs
Wilkinson
Area of Application. Survey area plus:
Georgia:
Baldwin
Bleckley
Crawford
Crisp
Dodge
Dooly
Hancock
Jasper
Johnson
Lamar
Macon
Monroe
Montgomery
Peach
Pulaski
Putnam
Telfair
Treutlen
Upson
Washington
Wheeler
Wilcox

Savannah
Survey Area
Georgia:
Bryan
Chatham
Effingham
Liberty
Area of Application. Survey area plus:
Georiga:
Appling
Bacon
Bulloch
Candler
Evans
Jeff Davis
Long
McIntosh
Screven
Tattnall
Toombs
Wayne
South Carolina:
Beaufort [11]
Hampton
Jasper

Hawaii

Hawaii
Survey Area
Hawaii:
Honolulu
Area of Application. Survey area plus:
Hawaii:
Hawaii
Kauai [12]
Maui [13]

Idaho

Boise
Survey Area
Idaho:
Ada
Boise
Canyon
Elmore
Gem
Area of Application. Survey area plus:
Idaho:
Adams
Bannock
Bear Lake
Bingham
Blaine
Bonneville
Butte
Camas
Caribou
Cassia
Clark
Custer
Franklin
Fremont
Gooding
Jefferson
Jerome
Lemhi
Lincoln
Madison
Minidoka
Oneida
Owyhee
Payette
Power
Teton
Twin Falls
Valley
Washington

Illinois

Champaign-Urbana
Survey Area
Illinois:
Champaign
Menard
Sangamon
Vermilion
Area of Application. Survey area plus:
Illinois:

[11] The portion south of Broad River.
[12] Kauai county includes the islands of Kauai and Niihau.
[13] Mauai county includes the islands of Mauai, Molokai, Lanai and Kahoolawe.

Christian
Clark
Coles
Crawford
Cumberland
De Witt
Douglas
Edgar
Ford
Jasper
Logan
McLean
Macon
Moultrie
Piatt
Shelby

Chicago
Survey Area
Illinois:
Cook
Du Page
Kane
Lake
McHenry
Will
Area of Application. Survey area plus:
Illinois:
Boone
De Kalb
Grundy
Iroquois
Kankakee
Kendall
La Salle
Lee
Livingston
Ogle
Stephenson
Winnebago
Indiana:
Benton
Jasper
Lake
La Porte
Newton
Porter
Pulaski
Starke

Indiana

Bloomington-Bedford-Washington
Survey Area
Indiana:
Daviess
Greene
Knox
Lawrence
Martin
Monroe
Orange
Area of Application. Survey area plus:
Indiana:
Brown
Brawford
Dubois
Gibson
Jackson
Owen
Perry
Pike
Posey
Spencer
Vanderburgh
Warrick
Washington
Illinois:
Edwards
Gallatin
Hardin
Lawrence
Richland
Wabash
White
Kentucky:
Crittenden
Daviess
Hancock
Henderson
Livingston
McLean
Ohio
Union
Webster

Ft. Wayne-Marion
Survey Area
Indiana:
Adams
Allen
DeKalb
Grant
Huntington
Wells
Area of Application. Survey area plus:
Indiana:
Blackford
Carroll
Cass
Elkhart
Fulton
Howard
Jay
Kosciusko
Lagrange
Marshall
Miami
Noble
St. Joseph
Steuben
Wabash
White
Whitley
Ohio:
Allen
Defiance
Fulton
Henry
Mercer
Paulding
Putnam
Van Wert
Williams

Indianapolis
Survey Area
Indiana:
Boone
Hamilton
Hancock
Hendricks
Johnson
Marion
Morgan
Shelby
Area of Application Survey area plus:
Indiana:
Bartholomew
Clay
Clinton
Decatur
Delaware
Fayette
Fountain
Henry
Madison
Montgomery
Parke
Putnam
Rush
Sullivan
Tippecanoe
Tipton
Vermillion
Vigo
Warren

Iowa

Cedar Rapids-Iowa City
Survey Area
Iowa:
Benton
Black Hawk
Johnson
Linn
Area of Application. Survey area plus:
Iowa:
Allamakee
Bremer
Buchanan
Butler
Cedar
Chickasaw
Clayton
Davis
Delaware
Fayette
Floyd
Grundy
Henry
Howard
Iowa
Jefferson
Jones
Keokuk
Mitchell
Tama
Van Buren
Wapello
Washington
Winneshiek

Davenport-Rock Island-Moline
Survey Area
Iowa:
Scott
Illinois:
Henry
Rock Island
Area of Application. Survey area plus:

Iowa:
Des Moines
Lee
Louisa
Muscatine
Illinois:
Adams
Brown
Bureau
Cass
Fulton
Hancock
Henderson
Knox
McDonough
Marshall
Mason
Mercer
Peoria
Putnam
Schuyler
Stark
Tazewell
Warren
Woodford

Des Moines
Survey Area
Iowa:
Polk
Story
Warren
Area of Application. Survey area plus:
Iowa:
Adair
Appanoose
Boone
Calhoun
Carroll
Cerro Gordo
Clarke
Dallas
Decatur
Franklin
Greene
Guthrie
Hamilton
Hancock
Hardin
Humboldt
Jasper
Kossuth
Lucas
Madison
Mahaska
Marion
Marshall
Monroe
Poweshiek
Ringgold
Union
Wayne
Webster
Winnebago
Worth
Wright

Dubuque
Survey Area
Iowa:
Clinton
Dubuque
Jackson
Illinois:
Carroll
Jo Daviess
Whiteside
Area of Application. Survey area.

Kansas

Topeka
Survey Area
Kansas:
Geary
Jefferson
Osage
Shawnee
Area of Application. Survey area plus:
Kansas:
Brown
Clay
Cloud
Coffey
Dickinson
Jackson
Lyon
Marshall
Morris
Nemaha
Ottawa
Pottawatomie
Republic
Riley
Saline
Wabaunsee
Washington

Wichita
Survey Area
Kansas:
Butler
Sedgwick
Area of Application. Survey area plus:
Kansas:
Barber
Barton
Chase
Chautauqua
Cheyenne
Clark
Comanche
Cowley
Decatur
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jewell
Kearny
Kingman
Kiowa
Labette
Lane
Lincoln
Logan
McPherson
Marion
Meade
Mitchell
Montgomery
Morton
Neosho
Ness
Norton
Osborne
Pawnee
Phillips
Pratt
Rawlins
Reno
Rice
Rooks
Rush
Russell
Scott
Seward
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wallace
Wichita
Wilson
Woodson

Kentucky

Lexington
Survey Area
Kentucky:
Bourbon
Clark
Fayette
Jessamine
Madison
Scott
Woodford
Area of Application. Survey area plus:
Kentucky:
Anderson
Bath
Bell
Boyle
Breathitt
Casey
Clay
Estill
Fleming
Franklin
Garrard
Green
Harrison

Jackson
Knott
Knox
Laurel
Lee
Leslie
Lincoln
McCreary
Marion
Menifee
Mercer
Montgomery
Morgan
Nicholas
Owen
Owsley
Perry
Powell
Pulaski
Robertson
Rockcastle
Rowan
Taylor
Washington
Wayne
Whitley
Wolfe

Louisville
Survey Area
Kentucky:
Bullitt
Hardin
Jefferson
Oldham
Indiana:
Clark
Floyd
Jefferson
Area of Application. Survey area plus:
Kentucky:
Breckinridge
Grayson
Hart
Henry
Larue
Meade
Nelson
Shelby
Spencer
Trimble
Indiana:
Harrison
Jennings
Scott

Louisiana

Lake Charles-Alexandria
Survey Area
Louisiana:
Allen
Beauregard
Calcasieu
Grant
Rapides
Sabine
Vernon
Area of Application. Survey area plus:
Louisiana:
Acadia
Avoyelles
Caldwell
Cameron
Catahoula
Concordia
Evangeline
Franklin
Jefferson Davis
Lafayette
La Salle
Madison
Natchitoches
St. Landry
Tensas
Vermilion
Winn

New Orleans
Survey Area
Louisiana:
Jefferson
Orleans
Plaquemines
St. Bernard
St. Tammany
Area of Application. Survey area plus:
Louisiana:
Ascension
Assumption
East Baton Rouge
East Feliciana
Iberia
Iberville
Lafourche
Livingston
Pointe Coupee
St. Charles
St. Helena
St. James
St. John the Baptist
St. Martin
St. Mary
Tangipahoa
Terrebonne
Washington
West Baton Rouge
West Feliciana

Shreveport
Survey Area
Louisiana:
Bossier
Caddo
Webster
Area of Application. Survey area plus:
Louisiana:
Bienville
Claiborne
De Soto
East Carroll
Jackson
Lincoln
Morehouse
Ouachita
Red River
Richland
Union
West Carroll
Texas:
Cherokee
Gregg
Harrison
Panola
Rusk

Maine

Augusta
Survey Area
Maine:
Kennebec
Knox
Lincoln
Area of Application. Survey area.

Central and Northern Maine
Survey Area
Maine:
Aroostook
Penobscot
Area of Application. Survey area plus:
Maine:
Hancock
Piscataquis
Somerset
Waldo
Washington

Portland
Survey Area
Maine:
Androscoggin
Cumberland
Sagadahoc
Area of Application. Survey area plus:
Maine:
Franklin
Oxford
New Hampshire:
Coos

Maryland

Baltimore
Survey Area
Maryland:
Baltimore City
Anne Arundel
Baltimore
Carroll
Harford
Howard
Area of Application. Survey area.

Hagerstown-Martinsburg-Chambersburg
Survey Area
Maryland:
Washington
Pennsylvania:
Franklin
West Virginia:
Berkeley
Area of Application. Survey area plus:
Maryland:
Allegany
Garrett
Virginia (cities):
Harrisonburg City
Winchester City
Virginia (counties):
Clarke
Culpeper
Frederick
Greene

Madison
Page
Rappahonnock
Rockingham
Shenandoah
Warren
West Virginia:
Hampshire
Hardy
Jefferson
Mineral
Morgan

Massachusetts

Boston
Survey Area
Massachusetts:
The following cities and towns in:
Essex County
Beverly
Boxford
Danvers
Hamilton
Lynn
Lynnfield
Manchester
Marblehead
Middleton
Nahant
Peabody
Salem
Saugus
South Hamilton
Swampscott
Topsfield
Wenham
Middlesex County
Acton
Arlington
Ashland
Bedford
Belmont
Boxborough
Burlington
Cambridge
Carlisle
Concord
Everett
Framingham
Holliston
Lexington
Lincoln
Malden
Medford
Melrose
Natick
Newton
North Reading
North Wilmington
Reading
Sherborn
Somerville
Stoneham
Sudsbury
Wakefield
Waltham
Watertown
Wayland
West Concord
Weston
Wilmington
Winchester
Woburn
Norfolk County
Bellingham
Braintree
Brookline
Canton
Cohasset
Dedham
Dover
East Walpole
Foxborough
Franklin
Harding
Holbrook
Islington
Medfield
Medway
Millis
Milton
Needham
Norfolk
North Cohasset
Norwood
Quincy
Randolph
Sharon
South Walpole
Stoughton
Walpole
Wellesley
Westwood
Weymouth
Wrentham
Plymouth County
Abington
Duxbury
Hanover
Hanson
Hingham
Hull
Kingston
Marshfield
Marshfield Hills
North Scituate
Norwell
Oceanbuff
Pembroke
Rockland
Scituate
Shore Acres
South Duxbury
South Hignham
West Hanover
Suffolk County
Area of Application. Survey area plus:
Massachusetts:
Barnstable
Dukes
Nantucket
Plymouth (non-survey area part)
The following cities and towns in:
Bristol County
Easton
Essex County
Andover
Essex
Gloucester
Ipswich
Lawrence
Methuen
Rockport
Rowley
Middlesex County
Ayer
Billerica
Chelmsford
Dracut
Dunstable
Groton
Hopkinton
Hudson
Littleton
Lowell
Marlborough
Maynard
Pepperell
Stow
Tewksbury
Tyngsborough
Westford
Norfolk County
Avon

Central and Western Massachusetts
Survey Area
Massachusetts:
The following cities and towns in:
Hampden County
Agawam
Chicopee
East Longmeadow
Feeding Hills
Hampden
Holyoke
Longmeadow
Ludlow
Monson
Palmer
Southwick
Springfield
Three Rivers
Westfield
West Springfield
Wilbraham
Hampshire County
Easthampton
Granby
Hadley
Northampton
South Hadley
Worcester County
Warren
West Warren
Connecticut:
Tolland County
Somers
Somersville
Area of Application. Survey area plus:
Massachusetts:
Berkshire
Franklin
Worcester (except Blackstone and Millville)
The following towns and cities in:
Hampshire County

Amherst
Belchertown
Chesterfield
Cummingtor
Goshen
Hatfield
Huntington
Middlefield
Pelham
Plainfield
Southampton
Ware
Westhampton
Williamsburg
Worthington
Hampden County
Blandford
Brimfield
Chester
Granville
Holland
Montgomery
Russell
Tolland
Wales
Middlesex County
Ashby
Shirley
Townsend
New Hampshire:
Belknap
Carroll
Cheshire
Grafton
Hillsborough
Merrimack
Sullivan
Vermont:
Addison
Bennington
Caledonia
Essex
Lamoille
Orange
Orleans
Rutland
Washington
Windham
Windsor

Michigan

Detroit
Survey Area
Michigan:
Lapeer
Livingston
Macomb
Oakland
St. Clair
Wayne
Area of Application. Survey area plus:
Michigan:
Arenac
Bay
Clare
Clinton
Eaton
Genesee
Gladwin
Gratiot
Huron
Ingham
Isabella
Lenawee
Midland
Monroe
Saginaw
Sanilac
Shiawassee
Tuscola
Washtenaw
Ohio:
Lucas
Wood

Northwestern Michigan
Survey Area
Michigan:
Delta
Dickinson
Marquette
Area of Application. Survey area plus:
Michigan:
Alger
Baraga
Chippewa
Gogebic
Houghton
Iron
Keweenaw
Luce
Mackinac
Menominee
Ontonagon
Schoolcraft

Oscoda-Alpena
Survey Area
Michigan:
Alcona
Alpena
Iosco
Area of Application. Survey area plus:
Michigan:
Antrim
Benzie
Charlevoix
Cheboygan
Crawford
Emmet
Grand Traverse
Kalkaska
Leelanau
Manistee
Missaukee
Montmorency
Ogemaw
Oscoda
Otsego
Presque Isle
Roscommon
Wexford

Southwestern Michigan
Survey Area
Michigan:
Barry
Calhoun
Kalamazoo
Van Buren
Area of Application. Survey area plus:
Michigan:
Allegan
Berrien
Branch
Cass
Hillsdale
Ionia
Jackson
Kent
Lake
Mason
Mecosta
Montcalm
Muskegon
Newaygo
Oceana
Osceola
Ottawa
St. Joseph

Minnesota

Duluth
Survey Area
Minnesota:
Carlton
St. Louis
Wisconsin:
Douglas
Area of Application. Survey area plus:
Minnesota:
Aitkin
Beltrami
Cass
Cook
Crow Wing
Hubbard
Itasca
Koochiching
Lake
Lake of the Woods
Pine
Wisconsin:
Ashland
Bayfield
Burnett
Iron
Sawyer
Washburn

Minneapolis-St. Paul
Survey Area
Minnesota:
Anoka
Carver
Chisago
Dakota
Hennepin
Ramsey
Scott
Washington
Wright
Wisconsin:
St. Croix
Area of Application. Survey area plus:
Minnesota:
Benton
Big Stone
Blue Earth
Brown

Chippewa
Cottonwood
Dodge
Douglas
Faribault
Freeborn
Goodhue
Grant
Isanti
Kanabec
Kandiyohi
Lac Qui Parle
Le Sueur
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Nicollet
Olmsted
Pope
Redwood
Renville
Rice
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wadena
Waseca
Waltonwan
Yellow Medicine
Wisconsin:
Pierce
Polk

Mississippi

Biloxi
Survey Area
Mississippi:
Hancock
Harrison
Jackson
Stone
Area of Application. Survey area plus:
Mississippi:
George
Pearl River

Columbus-Aberdeen
Survey Area
Mississippi:
Clay
Lee
Lowndes
Monroe
Oktibbeha
Area of Application. Survey area plus:
Mississippi:
Alcorn
Bolivar
Calhoun
Carroll
Chickasaw
Choctaw
Coahoma
Grenada
Itawamba
Lafayette [14]
Leflore
Montgomery
Noxubee
Panola
Pontotoc [14]
Prentiss
Quitman
Sunflower
Tallahatchie
Tishomingo
Union [14]
Washington
Webster
Winston
Yalobusha

Jackson
Survey Area
Mississippi:
Adams
Claiborne
Hinds
Jefferson
Rankin
Warren
Area of Application. Survey area plus:
Mississippi:
Amite
Attala
Copiah
Covington
Franklin
Holmes
Humphreys
Issaquena
Jefferson Davis
Lamar
Lawrence
Lincoln
Madison
Marion
Pike
Scott
Sharkey
Simpson
Smith
Walthall
Wilkinson
Yazoo

Meridian
Survey Area
Mississippi:
Forrest
Lauderdale
Alabama:
Choctaw
Area of Application. Survey area plus:
Mississippi:
Clarke
Greene
Jasper
Jones
Kemper
Leake
Neshoba
Newton
Perry
Wayne
Alabama:
Sumter

Missouri

Kansas City
Survey Area
Missouri:
Cass
Clay
Jackson
Platte
Ray
Kansas:
Johnson
Leavenworth
Wyandotte
Area of Application. Survey area plus:
Missouri:
Adair
Andrew
Atchison
Bates
Buchanan
Caldwell
Carroll
Chariton
Clinton
Cooper
Daviess
De Kalb
Gentry
Grundy
Harrison
Henry
Holt
Howard
Johnson
Lafayette
Linn
Livington
Macon
Mercer
Nodaway
Pettis
Putnam
Saline
Schuyler
Sullivan
Worth
Kansas:
Allen
Anderson
Atchison
Bourbon
Doniphan
Douglas
Franklin
Linn
Miami

St. Louis
Survey Area
Missouri:
St. Louis City

[14] Excluding Holly Springs National Forest.

Franklin
Jefferson
St. Charles
St. Louis
Illinois:
Clinton
Madison
Monroe
St. Clair
Area of Application. Survey area plus:
Missouri:
Audrain
Boone
Callaway
Clark
Cole
Crawford
Gasconade
Knox
Lewis
Lincoln
Marion
Monroe
Montgomery
Osage
Pike
Ralls
Randolph
St. Francois
Ste. Genevieve
Scotland
Shelby
Warren
Washington
Illinois:
Alexander
Bond
Calhoun
Clay
Effingham
Fayette
Franklin
Greene
Hamilton
Jackson
Jefferson
Jersey
Johnson
Macoupin
Marion
Massac
Montgomery
Morgan
Perry
Pike
Pope
Pulaski
Randolph
Saline
Scott
Union
Washington
Wayne
Williamson

Southern Missouri

Survey Area
Missouri:
Christian
Greene
Laclede
Phelps
Pulaski
Webster
Area of Application. Survey area plus:
Missouri:
Barry
Barton
Benton
Bollinger
Bulter
Camden
Cape Girardeau
Carter
Cedar
Dade
Dallas
Dent
Douglas
Hickory
Howell
Iron
Jasper
Lawrence
McDonald
Madison
Maries
Miller
Mississippi
Moniteau
Morgan
New Madrid
Newton
Oregon
Ozark
Perry
Polk
Reynolds
Ripley
St. Clair
Scott
Shannon
Stoddard
Stone
Taney
Texas
Vernon
Wayne
Wright
Kansas:
Cherokee
Crawford

Montana

Great Falls

Survey Area
Montana:
Cascade
Lewis and Clark
Yellowstone
Area of Application. Survey area plus:
Montana:
Beaverhead
Big Horn
Blaine
Broadwater
Carbon
Carter
Chouteau
Custer
Daniels
Dawson
Deer Lodge
Fallon
Fergus
Flathead
Gallatin
Garfield
Glacier
Golden Valley
Granite
Hill
Jefferson
Judith Basin
Lake
Liberty
Lincoln
McCone
Madison
Meagher
Mineral
Missoula
Musselshell
Park
Petroleum
Phillips
Pondera
Powder River
Powell
Prairie
Ravalli
Richland
Roosevelt
Rosebud
Sanders
Sheridan
Silver Bow
Stillwater
Sweet Grass
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Wyoming:
Big Horn
Park

Nebraska

Omaha

Survey Area
Nebraska:
Douglas
Lancaster
Sarpy
Iowa:
Pottawattamie
Area of Application Survey area plus:
Nebraska:
Adams
Antelope
Arthur
Blaine
Boone
Boyd
Brown

Buffalo
Burt
Butler
Cass
Cedar
Chase
Cherry
Clay
Colfax
Cuming
Custer
Dakota
Dawson
Dixon
Dodge
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Garfield
Gosper
Grant
Greeley
Hall
Hamilton
Harlan
Hayes
Hitchcock
Holt
Hooker
Howard
Jefferson
Johnson
Kearney
Keith
Keya Paha
Knox
Lincoln
Logan
Loup
McPherson
Madison
Merrick
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Pierce
Platte
Polk
Red Willow
Richardson
Rock
Saline
Saunders
Seward
Sherman
Stanton
Thayer
Thomas
Thurston
Valley
Washingtor
Wayne
Webster
Wheeler
York
Iowa:
Adams
Audubon
Buena Vista
Cass
Cherokee
Clay
Crawford
Fremont
Harrison
Ida
Mills
Monona
Montgomery
O'Brien
Page
Palo Alto
Plymouth
Pocahontas
Sac
Shelby
Sioux
Taylor
Woodbury

Nevada

Las Vegas
Survey Area
Nevada:
Clark
Nye
Area of Application. Survey area plus:
Nevada:
Esmeralda
Lincoln
Arizona:
Mohave

Reno
Survey Area
Nevada:
Lyon
Mineral
Storey
Washoe
Area of Application. Survey area plus:
Nevada (cities)
Carson City
Nevada (counties)
Churchill
Douglas
Elko
Eureka
Humboldt
Lander
Pershing
White Pine
California:
Lassen
Mono [15]

[15] Does not cover locations to which Bridgeport, Calif., special schedule applies.

New Hampshire

Portsmouth
Survey Area
New Hampshire:
Rockingham (except the following cities and towns: Newton; Plaistow; Salem; and Westville)
Strafford
Maine:
York
Massachusetts:
The following cities and towns in:
Essex County
Amesbury
Georgetown
Groveland
Haverhill
Merrimac
Newbury
Newuburyport
North Andover
Salisbury
South Byfield
West Newbury
Area of Application. Survey area plus:
New Hampshire:
The following towns in:
Rockingham County
Newton
Plaistow
Salem

New Mexico

Albuquerque
Survey Area
New Mexico:
Bernalillo
Sandoval
Area of Application. Survey area plus:
New Mexico:
Catron
Cibola
Colfax
Curry
De Baca
Guadalupe
Harding
Lincoln [16]
Los Alamos
Mora
Quay
Rio Arriba
Roosevelt
San Miguel
Santa Fe
Socorro [16]

[16] Does not include White Sands Proving Ground portion.

Taos
Torrance
Union
Valencia

New York

Albany-Schenectady-Troy
Survey Area
New York:
Albany
Montgomery
Rensselaer
Saratoga
Schenectady
Area of Application. Survey area plus:
New York:
Columbia
Fulton
Greene
Schoharie
Warren
Washington
Buffalo
Survey Area
New York:
Erie
Niagara
Area of Application. Survey area plus:
New York:
Cattaraugus
Chautauqua
Newburgh
Survey Area
New York:
Dutchess
Orange
Ulster
Area of Application. Survey area plus:
New York:
Delaware
Sullivan
New York
Survey Area
New York:
Bronx
Kings
Nassau
New York
Putnam
Queens
Richmond
Rockland
Suffolk
Westchester
New Jersey:
Bergen
Essex
Hudson
Middlesex
Monmouth
Morris
Passaic
Somerset
Union
Area of Application. Survey area plus:
New Jersey:
Sussex
Northern New York
Survey Area
New York:
Clinton
Franklin
Jefferson
St. Lawrence
Vermont:
Chittenden
Franklin
Grand Isle
Area of Application. Survey area plus:
New York:
Essex
Lewis
Rochester
Survey Area
New York:
Livingston
Monroe
Ontario
Orleans
Steuben
Wayne
Area of Application. Survey area plus:
New York:
Allegany
Chemung
Genesee
Schuyler
Seneca
Wyoming
Yates
Syracuse-Utica-Rome
Survey Area
New York:
Herkimer
Madison
Oneida
Onondaga
Oswego
Area of Application. Survey area plus:
New York:
Broome
Cayuga
Chenango
Cortland
Hamilton
Otsego
Tioga
Tompkins

North Carolina

Asheville
Survey Area
North Carolina:
Buncombe
Haywood
Henderson
Madison
Transylvania
Area of Application. Survey area plus:
North Carolina:
Avery
Burke
Caldwell
Cherokee
Clay
Graham
Jackson
McDowell
Macon
Mitchell
Polk
Rutherford
Swain
Yancey
Central North Carolina
Survey Area
North Carolina:
Cumberland
Durham
Edgecombe
Harnett
Johnston
Orange
Wake
Wayne
Wilson
Area of Application. Survey area plus:
North Carolina:
Alamance
Bladen
Caswell
Chatham
Davidson
Davie
Forsyth
Franklin
Granville
Guilford
Halifax
Hoke
Lee
Montgomery
Moore
Nash
Northampton
Person
Randolph
Richmond
Robeson
Rockingham
Sampson
Scotland
Stokes
Surry
Vance
Warren
Yadkin
South Carolina:
Dillon
Marion
Marlboro
Charlotte
Survey area
North Carolina:
Cabarrus
Gaston
Mecklenburg
Rowan
Union
Area of Application. Survey area plus:
North Carolina:
Alexander
Anson
Catawba
Cleveland
Iredell

Lincoln
Stanly
Wilkes
South Carolina:
Chesterfield
Lancaster
York

Southeastern North Carolina

Survey Area
North Carolina:
Brunswick
Carteret
Columbus
Craven
Jones
Lenoir
New Hanover
Onslow
Pamlico
Pender
South Carolina:
Horry

Area of Application. Survey area plus:
North Carolina:
Beaufort
Bertie
Dare
Duplin
Greene
Hertford
Hyde
Martin
Pitt
Tyrrell
Washington

North Dakota

Survey Area
North Dakota:
Burleigh
Cass
Grand Forks
McLean
Mercer
Morton
Oliver
Traill
Ward
Minnesota:
Clay
Polk

Area of Application. Survey area plus:
North Dakota:
Adams
Barnes
Benson
Billings
Bottineau
Bowman
Burke
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
Mountrail
Nelson
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Walsh
Wells
Williams
Minnesota:
Becker
Clearwater
Kittson
Mahnomen
Marshall
Norman
Otter Tail
Pennington
Red Lake
Roseau
Wilkin

Ohio

Cincinnati

Survey Area
Ohio:
Clermont
Hamilton
Warren
Kentucky:
Boone
Campbell
Kenton
Indiana:
Dearborn

Area of Application. Survey area plus:
Ohio:
Adams
Brown
Butler
Highland
Indiana:
Franklin
Ohio
Ripley
Switzerland
Kentucky:
Bracken
Carroll
Gallatin
Grant
Mason
Pendleton

Cleveland

Survey Area
Ohio:
Cuyahoga
Geauga
Lake
Medina

Area of Application. Survey area plus:
Ohio:
Ashland
Ashtabula
Columbiana
Erie
Huron
Lorain
Mahoning
Ottawa
Portage
Sandusky
Seneca
Stark
Summit
Trumbull
Wayne

Columbus

Survey Area
Ohio:
Delaware
Fairfield
Franklin
Licking
Madison
Pickaway

Area of Application. Survey area plus:
Ohio:
Coshocton
Crawford
Fayette
Guernsey
Hancock
Hardin
Hocking
Holmes
Knox
Marion
Morrow
Muskingum
Perry
Richmond
Ross
Union
Wyandot

Dayton

Survey Area
Ohio:
Champaign
Clark
Greene
Miami
Montgomery
Preble

Area of Application. Survey area plus:
Ohio:
Auglaize
Clinton

Darke
Logan
Shelby
Indiana:
Randolph
Union
Wayne

Oklahoma

Oklahoma City
Survey Area
Oklahoma:
Canadian
Cleveland
McClain
Oklahoma
Pottawatomie
Area of Application. Survey area plus:
Oklahoma:
Alfalfa
Atoka
Beckham
Blaine
Bryan
Caddo
Carter
Coal
Custer
Dewey
Ellis
Garfield
Garvin
Grady
Grant
Harper
Hughes
Johnston
Kingfisher
Lincoln
Logan
Love
Major
Marshall
Murray
Noble
Payne
Pontotoc
Roger Mills
Seminole
Washita
Woods
Woodward

Tulsa
Survey Area
Oklahoma:
Creek
Mayes
Muskogee
Osage
Pittsburg
Rogers
Tulsa
Wagoner
Area of Application. Survey area plus:
Oklahoma:
Adair
Cherokee
Choctaw
Craig
Delaware
Haskell
Kay
Latimer
LeFlore
McCurtain
McIntosh
Nowata
Okfuskee
Okmulgee
Ottawa
Pawnee
Pushmataha
Sequoyah
Washington
Arkansas:
Benton
Carroll
Washington

Oregon

Portland
Survey Area
Oregon:
Clackamas
Marion
Multnomah
Polk
Washington
Washington:
Clark
Area of Application. Survey area plus:
Oregon:
Clatsop
Columbia
Gilliam
Hood River
Sherman
Tillamook
Wasco
Yamhill
Washington:
Cowlitz
Klickitat
Pacific
Skamania
Wahkiakum

Southwestern Oregon
Survey Area
Oregon:
Douglas
Jackson
Lane
Area of Application. Survey area plus:
Oregon:
Benton
Coos
Crook
Curry
Deschutes
Jefferson
Josephine
Klamath
Lake
Lincoln
Linn

Pennsylvania

Harrisburg
Survey Area
Pennsylvania:
Adams
Cumberland
Dauphin
Lebanon
Perry
York
Area of Application. Survey area plus:
Pennsylvania:
Adams
Berks
Juniata
Lancaster
Lycoming [17]
Mifflin
Montour
Northumberland
Snyder
Union
York

Philadelphia
Survey Area
Pennsylvania:
Bucks
Chester
Delaware
Montgomery
Philadelphia
New Jersey:
Burlington
Camden
Gloucester
Area of Application. Survey area plus:
Pennsylvania:
Lehigh
Northampton
New Jersey:
Atlantic
Cape May
Cumberland
Hunterdon
Mercer
Ocean
Warren

Pittsburgh
Survey Area
Pennsylvania:
Allegheny:
Beaver
Washington
Westmoreland
Area of Application. Survey area plus:
Pennsylvania:
Armstrong
Bedford
Blair
Butler
Cambria
Cameron
Centre
Clarion
Clearfield
Clinton
Crawford
Elk

[17] Allenwood Federal Prison Camp portion only.

Erie
Fayette
Forest
Fulton
Greene
Huntingdon
Indiana
Jefferson
Lawrence
McKean
Mercer
Potter
Somerset
Venango
Warren
Ohio:
Belmont
Carroll
Harrison
Jefferson
Tuscarawas
West Virginia:
Brooke
Hancock
Marshall
Ohio

Scranton-Wilkes-Barre

Survey Area
Pennsylvania:
Lackawanna
Luzerne
Monroe
Area of Application. Survey area plus:
Pennsylvania
Bradford
Carbon
Columbia
Lycoming [18]
Pike
Schuylkill
Sullivan
Susquehanna
Tioga
Wayne
Wyoming

Puerto Rico

Puerto Rico

Survey Area
Puerto Rico (Municipios):
San Juan
Bayamon
Canovanas
Carolina
Catano
Guaynabo
Juana Diaz
Loiza
Penuelas
Ponce
Toa Baja
Trujillo Alto
Villalba
Area of Application. Puerto Rico

Rhode Island

Narragansett Bay

Survey Area
Rhode Island:
Bristol
Newport
The following cities and towns in:
Kent County
Anthony
Coventry
East Greenwich
Greene
Warwick
West Warwick
Providence County
Ashton
Burrillville
Central Falls
Cranston
Cumberland
Cumberland Hill
East Providence
Esmond
Forestdale
Greenville
Harrisville
Johnston
Lincoln
Manville
Mapleville
North Providence
North Smithfield
Oakland
Pascoag
Pawtucket
Providence
Saylesville
Slatersville
Smithfield
Valley Falls
Wallum Lake
Woonsocket
Washington County
Davisville
Galilee
La Fayette
Narragansett
North Kingstown
Point Judith
Quonset Point
Saunerstown
Slocum
Massachusetts
The following cities and towns in:
Bristol County:
Attleboro
Fall River
North Attleboro
Rehoboth
Seekonk
Somerset
Swansea
Westport
Norfolk County
Caryville
Plainville
South Bellingham
Worcester County
Blackstone
Millville
Area of Application. Survey area plus:
Rhode Island:
The following cities and towns in:
Kent County
West Greenwich
Providence County
Foster
Glocester
Scituate
Washington County
Charlestown
Exeter
New Shoreham
Richmond
South Kingstown
Massachusetts
The following cities and towns in:
Bristol County
Acushnet
Berkley
Dartmouth
Dighton
Fairhaven
Freetown
Mansfield
New Bedford
Norton
Raynham
Taunton

South Carolina

Charleston

Survey Area
South Carolina:
Berkeley
Charleston
Dorchester
Area of Application. Survey area plus:
South Carolina:
Beaufort [19]
Colleton
Georgetown
Williamsburg

Columbia

Survey area
South Carolina:
Darlington
Florence
Kershaw
Lee
Lexington
Richland
Sumter
Area of Application. Survey area plus:
South Carolina:
Abbeville
Anderson
Calhoun
Cherokee
Chester
Clarendon
Fairfield
Greenville
Greenwood
Laurens
Newberry
Oconee

[18] Excluding Allenwood Federal Prison Camp

[19] The portion north of Broad River.

Orangeburg
Pickens
Saluda
Spartanburg
Union

South Dakota:

Eastern South Dakota
Survey Area
South Dakota:
Minnehaha
Area of Application. Survey area plus:
South Dakota:
Aurora
Beadle
Bennett
Bon Homme
Brookings
Brown
Brule
Buffalo
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Davison
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Haakon
Hamlin
Hand
Hanson
Hughes
Hutchinson
Hyde
Jackson
Jerauld
Jones
Kingsbury
Lake
Lincoln
Lyman
McCook
McPherson
Marshall
Mellette
Miner
Moody
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Washabaugh
Yankton
Ziebach
Iowa:
Dickinson
Emmet
Lyon
Osceola
Minnesota:
Jackson
Lincoln
Lyon
Murray
Nobles
Pipestone
Rock

Tennessee

Eastern Tennessee
Survey Area
Tennessee:
Carter
Hawkins
Sullivan
Unicoi
Washington
Virginia (City):
Bristol
Virginia (counties):
Scott
Washington
Area of Application. Survey area plus:
Tennessee:
Cocke
Greene
Hancock
Johnson
Virginia:
Buchanan
Grayson
Lee
Russell
Smyth
Tazewell
Norton City
North Carolina:
Alleghany
Ashe
Watauga
Kentucky:
Harlan
Letcher
Memphis
Survey Area
Tennessee:
Shelby
Tipton
Arkansas:
Crittenden
Mississippi
Mississippi:
De Soto
Area of Application: Survey area plus:
Tennessee:
Carroll
Chester
Crockett
Dyer
Fayette
Gibson
Hardeman
Hardin
Haywood
Lake
Lauderdale
Madison
McNairy
Obion
Arkansas:
Craighead
Cross
Lee
Poinsett
St. Francis
Mississippi:
Benton
Lafayette [20]
Marshall
Pontotoc [20]
Tate
Tippah
Tunica
Union [20]
Missouri:
Dunklin
Pemiscot
Nashville
Survey Area
Tennessee:
Cheatham
Davidson
Dickson
Montgomery
Robertson
Rutherford
Sumner
Williamson
Wilson
Kentucky:
Christian
Area of Application. Survey area plus:
Tennessee:
Anderson
Bedford
Benton
Bledsoe
Blount
Bradley
Campbell
Cannon
Claiborne
Clay
Coffee
Cumberland
Decatur
DeKalb
Fentress
Grainger
Grundy
Hamblen
Hamilton
Henderson
Henry
Hickman
Houston
Humphreys
Jackson

[20] Holly Springs National Forest portion only.

Jefferson
Knox
Lewis
Loudon
McMinn
Macon
Marion
Marshall
Maury
Meigs
Monroe
Morgan
Overton
Perry
Pickett
Polk
Putnam
Rhea
Roane
Scott
Sequatchie
Sevier
Smith
Stewart
Trousdale
Union
Van Buren
Warren
Weakley
White
Kentucky:
Adair
Allen
Ballard
Barren
Butler
Caldwell
Calloway
Carlisle
Clinton
Cumberland
Edmondson
Fulton
Graves
Hickman
Hopkins
Logan
Lyon
McCracken
Marshall
Metcalfe
Monroe
Muhlenberg
Russell
Simpson
Todd
Trigg
Warren
Georgia:
Catossa
Dade
Walker

Texas

Austin
Survey Area
Texas:
Hays
Milam
Travis
Williamson
Area of Application. Survey area plus:
Texas:
Bastrop
Blanco
Burleson
Burnet
Caldwell
Fayette
Lampasas
Lee
Llano
Mason
San Saba
Corpus Christi
Survey Area
Texas:
Nueces
San Patricio
Area of Application. Survey area plus:
Texas:
Aransas
Bee
Calhoun
Goliad
Jim Wells
Kleberg
Live Oak
Refugio
Victoria
Dallas-Fort Worth
Survey Area
Texas:
Collin
Dallas
Denton
Ellis
Grayson
Hood
Johnson
Kaufman
Parker
Rockwall
Tarrant
Wise
Area of Application. Survey area plus:
Texas:
Cooke
Delta
Erath
Fannin
Henderson
Hopkins
Hunt
Jack
Lamar
Montague
Navarro
Palo Pinto
Rains
Smith
Somervell
Van Zandt
Wood
El Paso
Survey Area
Texas:
El Paso
New Mexico:
Dona Ana
Otero
Area of application. Survey area plus:
New Mexico:
Chaves
Eddy
Grant
Hidalgo
Lincoln [21]
Luna
Sierra
Socorro [21]
Texas:
Culberson
Hudspeth
Houston-Galveston-Texas City
Survey Area
Texas:
Brazoria
Fort Bend
Galveston
Harris
Liberty
Montgomery
Waller
Area of application. Survey area plus:
Texas:
Angelina
Austin
Chambers
Colorado
Grimes
Hardin
Houston
Jackson
Jasper
Jefferson
Lavaca
Madison
Matagorda
Nacogdoches
Newton
Orange
Polk
Sabine
San Augustine
San Jacinto
Shelby
Trinity
Tyler
Walker
Washington
Wharton
San Antonio
Survey Area
Texas:
Bexar
Comal
Guadalupe
Area of Application. Survey area plus.
Texas:
Atascosa
Bandera
Brooks
Cameron

[21] Only White Sands Proving Ground portions.

De Witt
Dimmit
Duval
Edwards
Frio
Gillespie
Gonzales
Hidalgo
Jim Hogg
Karnes
Kendall
Kenedy
Kerr
Kinney
La Salle
McMullen
Maverick
Medina
Real
Starr
Uvalde
Val Verde
Webb
Willacy
Wilson
Zapata
Zavala

Texarkana

Survey Area

Texas:
Bowie
Arkansas:
Little River
Miller

Area of Application. Survey area plus:

Texas:
Camp
Cass
Franklin
Marion
Morris
Red River
Titus
Upshur
Arkansas:
Columbia
Hempstead
Howard
Lafayette
Nevada
Sevier

Waco

Survey Area

Texas:
Bell
Coryell
McLennan

Area of Application. Survey area plus:

Texas:
Anderson
Bosque
Brazos
Falls
Freestone
Hamilton
Hill
Leon
Limestone
Mills
Robertson

Western Texas

Survey Area

Texas:
Callahan
Ector
Howard
Jones
Lubbock
Midland
Nolan
Taylor
Tom Green

Area of Application. Survey area plus:

Texas:
Andrews
Armstrong
Bailey
Borden
Brewster
Briscoe
Brown
Carson
Castro
Childress
Cochran
Coke
Coleman
Collingsworth
Comanche
Concho
Cottle
Crane
Crockett
Crosby
Dallam
Dawson
Deaf Smith
Dickens
Donley
Eastland
Fisher
Floyd
Gaines
Garza
Glasscock
Gray
Hale
Hall
Hansford
Hartley
Haskell
Hemphill
Hockley
Hutchinson
Irion
Jeff Davis
Kent
Kimble
King
Lamb
Lipscomb
Loving
Lynn
McCulloch
Martin
Menard
Mitchell
Moore
Motley
Ochiltree
Oldham
Parmer
Pecos
Potter
Presidio
Randall
Reagan
Reeves
Roberts
Runnels
Schleicher
Scurry
Shackelford
Sherman
Stephens
Sterling
Stonewall
Sutton
Swisher
Terrell
Terry
Throckmorton
Upton
Ward
Wheeler
Winkler
Yoakum
Oklahoma:
Beaver
Cimarron
Texas
New Mexico:
Lea

Wichita Falls, Texas--Southwestern Oklahoma

Survey Area

Texas:
Archer
Clay
Wichita
Oklahoma:
Comanche
Cotton
Stephens
Tillman

Area of Application. Survey area plus:

Texas:
Baylor
Foard
Hardeman
Knox
Wilbarger
Young
Oklahoma:
Greer
Harmon
Jackson
Jefferson
Kiowa

Utah

Survey Area

Utah:
Box Elder
Davis
Salt Lake

Tooele
Utah
Weber
Area of Application. Survey area plus:
Utah:
Beaver
Cache
Carbon
Daggett
Duchesne
Emery
Garfield
Grand
Iron
Juab
Millard
Morgan
Piute
Rich
San Juan [22]
Sanpete
Sevier
Summit
Uintah
Wasatch
Washington
Wayne
Colorado:
Moffat

Virginia

Norfolk-Portsmouth-Newport News-Hampton
Survey Area
Virginia (cities):
Chesapeake
Hampton
Newport News
Norfolk
Poquoson
Portsmouth
Suffolk
Virginia Beach
Williamsburg
Virginia (counties):
Gloucester
James City
York
North Carolina
Currituck
Area of Application. Survey area plus:
Virginia (cities):
Franklin
Virginia (counties):
Accomack
Isle of Wight
Mathews
Northampton
Southampton
Surry
North Carolina:
Camden
Chowan
Gates
Pasquotank
Perquimans

[22] Only includes the Canyonlands National Park portion.

Maryland:
Assateague Island part of Worcester
Richmond
Survey Area
Virginia (cities):
Colonial Heights
Hopewell
Petersburg
Richmond
Virginia (counties):
Charles City
Chesterfield
Dinwiddie
Goochland
Hanover
Henrico
New Kent
Powhatan
Prince George
Area of Application. Survey area plus:
Virginia (cities):
Charlottesville
Emporia
Fredericksburg
Virginia (counties):
Albemarle
Amelia
Brunswick
Buckingham
Caroline
Charlotte
Cumberland
Essex
Fluvanna
Greensville
King and Queen
King William
Lancaster
Louisa
Lunenberg
Mecklenburg
Middlesex
Northumberland
Nottoway
Orange
Prince Edward
Richmond
Spotsylvania
Sussex
Westmoreland
Roanoke
Survey Area
Virginia (cities):
Radford
Roanoke
Salem
Virginia (counties):
Botetourt
Craig
Montgomery
Roanoke
Area of Application. Survey area plus:
Virginia (cities):
Bedford
Buena Vista
Clifton Forge
Covington
Danville
Galax
Lexington
Lynchburg
Martinsville
South Boston
Staunton
Waynesboro
Virginia (counties):
Alleghany
Amherst
Appomattox
Augusta
Bath
Bedford
Bland
Campbell
Carroll
Floyd
Franklin
Giles
Halifax
Henry
Highland
Nelson
Patrick
Pittsylvania
Pulaski
Rockbridge
Wythe

Washington

Seattle-Everett-Tacoma
Survey Area
Washington:
King
Kitsap
Pierce
Snohomish
Area of Application. Survey area plus:
Washington:
Chelan [23]
Clallam
Grays Harbor
Island
Jefferson
Lewis
Mason
San Juan
Skagit
Thurston
Whatcom
Southeastern Washington-Eastern Oregon
Survey Area
Washington:
Benton
Franklin
Walla Walla
Yakima
Oregon:
Umatilla
Area of Application. Survey area plus:
Oregon:
Baker
Grant
Harney
Malheur

[23] North Cascades Park section only.

Morrow
Union
Wallowa
Wheeler
Washington
Kittitas [24]
Spokane
Survey Area
Washington:
Spokane
Area of Application. Survey area plus:
Washington:
Adams
Asotin
Chelan [25]
Columbia
Douglas
Ferry
Garfield
Grant
Kittitas [26]
Lincoln
Okanogan
Pend Oreille
Stevens
Whitman
Idaho:
Benewah
Bonner
Boundary
Clearwater
Idaho
Kootenai
Latah
Lewis
Nez Perce
Shoshone

West Virginia

West Virginia
Survey Area
West Virginia:
Cabell
Harrison
Kanawha
Marion
Monongalia
Putnam
Wayne
Ohio:
Lawrence
Kentucky:
Boyd
Greenup
Area of Application. Survey area plus:
West Virginia:
Barbour
Boone
Braxton
Calhoun
Clay
Doddridge
Fayette
Gilmer
Grant
Greenbrier
Jackson
Lewis
Lincoln
Logan
McDowell
Mason
Mercer
Mingo
Monroe
Nicholas
Pendleton
Pleasants
Pocahontas
Preston
Raleigh
Randolph
Ritchie
Roane
Summers
Taylor
Tucker
Tyler
Upshur
Webster
Wetzel
Wirt
Wood
Wyoming
Ohio:
Athens
Gallia
Jackson
Meigs
Monroe
Morgan
Noble
Pike
Scioto
Vinton
Washington
Kentucky:
Carter
Elliot
Floyd
Johnson
Lawrence
Lewis
Magoffin
Martin
Pike
Virginia:
Dickenson
Wise

Wisconsin

Madison
Survey Area
Wisconsin:
Dane
Area of Application. Survey area plus:
Wisconsin:
Columbia
Dodge
Grant
Green
Green Lake
Iowa
Jefferson
Lafayette
Marquette
Rock
Sauk
Milwaukee
Survey Area
Wisconsin:
Milwaukee
Ozaukee
Washington
Waukesha
Area of Application. Survey area plus:
Wisconsin:
Brown
Calumet
Door
Fond du Lac
Kenosha
Kewaunee
Manitowoc
Outagamie
Racine
Sheboygan
Walworth
Winnebago
Southern Wisconsin
Survey Area
Wisconsin:
Chippewa
Eau Claire
La Crosse
Monroe
Trempealeu
Area of Applicant. Survey area plus:
Wisconsin:
Adams
Barron
Buffalo
Clark
Crawford
Dunn
Florence
Forest
Jackson
Juneau
Langlade
Lincoln
Marathon
Marinette
Menominee
Oconto
Oneida
Pepin
Portage
Price
Richland
Rusk
Shawano
Taylor
Vernon
Vilas
Waupaca
Waushara
Wood
Minnesota:
Fillmore
Houston

[24] Only includes the Yakima Firing Range portion.
[25] Excluding North Cascades Park.
[26] Does not include the Yakima Firing Range portion.

Wabasha
Winona

Wyoming

Wyoming
Survey Area
Wyoming:
Albany
Laramie
Natrona
South Dakota:
Pennington
Area of Application. Survey area plus:
Wyoming:
Campbell
Carbon
Converse
Crook
Fremont
Goshen
Hot Spring
Johnson
Lincoln
Niobrara
Platte
Sheridan
Sublette
Sweetwater
Teton
Uinta
Washakie
Weston
Nebraska:
Banner
Box Butte
Cheyenne
Dawes
Deuel
Garden
Kimball
Morrill
Scotts Bluff
Sheridan
Sioux
South Dakota:
Butte
Custer
Fall River
Harding
Lawrence
Meade
Perkins
Shannon

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas.

This appendix lists the wage area definitions for NAF employees. With a few exceptions each area is defined in terms of county units or independent cities. Each wage area consists

—Wage area title. Wage areas usually carry the title of the county or counties surveyed.

—Survey area definition. Each county or independent city in the survey area is listed.

—Area of application definition. Each county or independent city which in addition to the survey area is in the area of application is listed.

Alabama

Calhoun
Survey area
Alabama:
Calhoun
Area of application. Survey area plus:
Alabama:
Jefferson
Madison
Survey area
Alabama:
Madison
Area of application. Survey area plus:
Tennessee:
Coffee
Davidson
Hamilton
Rutherford

Definitions of Wage and Wage Survey Areas

Montgomery
Survey area
Alabama:
Montgomery
Area of application. Survey area plus:
Alabama:
Dale
Dallas
Macon

Alaska

Anchorage
Survey area
Alaska: (Census divisions)
Anchorage
Area of application. Survey area plus:
Alaska: (Census divisions)
Aleutian Islands
Barrow-North Slope
Bethel
Bristol Bay
Fairbanks
Juneau
Kenai-Cook Inlet
Ketchikan
Kobuk
Kodiak
Kuskokwim
Nome
Outer Ketchikan
Sitka
Southeast Fairbanks
Upper Yukon
Wade Hampton
Yukon-Koyukuk

Arizona

Maricopa
Survey area
Arizona:
Maricopa
Area of application. Survey area plus:
Arizona:
Coconino
Yavapai
Pima
Survey area
Arizona:
Pima
Area of application. Survey area plus:
Arizona:
Cochise
Yuma
Survey area
Arizona
Area of application. Survey area.

Arkansas

Pulaski
Survey area
Arkansas:
Pulaski
Area of application. Survey area plus:
Arkansas:
Jefferson
Sebastian
Washington

California

Alameda-Contra Costa
Survey area
California:
Alameda
Contra Costa
Area of application. Survey area.
Imperial
Survey area
California:
Imperial
Area of application. Survey area.
Kern
Survey area
California:
Kern
Area of application. Survey area plus:
California:
Kings
Los Angeles
Survey area
California:
Los Angeles
Area of application. Survey area.
Marin-Sonoma
Survey area
California:
Marin
Sonoma
Area of application. Survey area plus:
California:
Del Norte
Humboldt
Mendocino
Merced
Survey area
California:
Merced
Area of application. Survey area plus:
California:
Fresno
Monterey
Survey area
California:
Monterey

Area of application. Survey area.
Orange
Survey area
California:
Orange
Area of application. Survey area.
Riverside
Survey area
California:
Riverside
Area of application. Survey area.
Sacramento
Survey area
California:
Sacramento
Area of application. Survey area plus:
California:
Yuba
Oregon:
Jackson
Klamath
San Bernardino
Survey area
California:
San Bernardino
Area of application. Survey area.
San Diego
Survey area
California:
San Diego
Area of application. Survey area.
San Francisco
Survey area
California:
San Francisco
Area of application. Survey area.
San Joaquin
Survey area
California:
San Joaquin
Area of application. Survey area.
Santa Barbara
Survey area
California:
Santa Barbara
Area of application. Survey area plus:
California:
San Luis Obispo
Santa Clara
Survey area
California:
Santa Clara
Area of application. Survey area plus:
California:
San Mateo
Solano
Survey area
California:
Solano
Area of application. Survey area.
Ventura
Survey area
California:
Ventura
Area of application. Survey area.

Colorado

Adams-Denver
Survey area
Colorado:
Adams
Denver
Area of application. Survey area plus:
Colorado:
Arapahoe
Mesa
El Paso
Survey area
Colorado:
El Paso
Area of application. Survey area plus:
Colorado:
Bent
Pueblo

Connecticut

New London
Survey area
Connecticut:
New London
Area of application. Survey area plus:
Connecticut:
New Haven

Delaware

Kent
Survey area
Delaware:
Kent
Area of application. Survey area plus:
Delaware:
Sussex
Maryland:
Kent

District of Columbia

Washington, D.C.
Survey area
District of Columbia:
Washington, D.C.
Area of application. Survey area.

Florida

Bay
Survey area
Florida:
Bay
Area of application. Survey area.
Brevard
Survey area
Florida:
Brevard
Area of application. Survey area.
Dade
Survey area
Florida:
Dade
Area of application. Survey area plus:
Florida:
Palm Beach
Duval
Survey area
Florida:
Duval
Area of application. Survey area plus:
Florida:
Alachua
Clay
Columbia
Georgia:
Camden
Escambia
Survey area
Florida:
Escambia
Area of application. Survey area plus:
Florida:
Santa Rosa
Hillsborough
Survey area
Florida:
Hillsborough
Area of application. Survey area plus:
Florida:
Pinellas
Polk
Monroe
Survey area
Florida:
Monroe
Area of application. Survey area.
Okaloosa
Survey area
Florida:
Okaloosa
Area of application. Survey area.
Orange
Survey area
Florida:
Orange
Area of application. Survey area.

Georgia

Chatham
Survey area
Georgia:
Chatham
Area of application. Survey area plus:
Georgia:
Glynn
Liberty
South Carolina:
Beaufort
Clayton-Cobb-Fulton
Survey area
Georgia:
Clayton
Cobb
Fulton
Area of application. Survey area plus:
Georgia:
Bartow
Clarke
De Kalb
Columbus
Survey area
Georgia:
Columbus
Area of application. Survey area plus:
Georgia:
Chattahoochee
Dougherty
Survey area
Georgia:
Dougherty
Area of application. Survey area.

Houston
Survey area
Georgia:
Houston
Area of application. Survey area plus:
Georgia:
Laurens
Lowndes
Survey area
Georgia:
Lowndes
Area of application. Survey area.
Richmond
Survey area
Georgia:
Richmond
Area of application. Survey area plus:
South Carolina:
Aiken

Guam

Guam
Survey area
Guam
Area of application. Survey area.

Hawaii

Honolulu
Survey area
Hawaii:
Honolulu
Area of application. Survey area plus:
Hawaii (counties):
Hawaii
Kauai
Maui
Pacific Islands
Midway Island
Johnston Island
American Samoa

Idaho

Ada-Elmore
Survey area
Idaho:
Ada
Elmore
Area of application. Survey area.

Illinois

Champaign
Survey area
Illinois:
Champaign
Area of application. Survey area plus:
Illinois:
Ford
Vermillion
Cook
Survey area
Illinois:
Cook
Area of application. Survey area.
Lake
Survey area
Illinois:
Lake
Area of application. Survey area plus:
Wisconsin:
Dane
Milwaukee
Rock Island
Survey area
Illinois:
Rock Island
Area of application. Survey area plus:
Illinois:
Carroll
Iowa:
Johnson
St. Clair
Survey area
Illinois:
St. Clair
Area of application. Survey area plus:
Illinois:
Madison
Williamson
Missouri: (cities)
St. Louis
Missouri: (counties)
Jefferson
Pulaski

Indiana

Marion
Survey area
Indiana:
Marion
Area of application. Survey area plus:
Allen
Grant
Martin
Miami

Kansas

Sedgwick
Survey area
Kansas:
Sedgwick
Area of application. Survey area plus:
Kansas:
Geary
Saline
Leavenworth/Jackson—Johnson
Survey area
Kansas:
Leavenworth
Missouri:
Jackson
Johnson
Area of application. Survey area plus:
Kansas:
Shawnee
Missouri:
Boone
Camden
Cass

Kentucky

Christian—Montgomery
Survey area
Kentucky:
Christian
Tennessee:
Montgomery
Area of application. Survey area.
Clark-Hardin-Jefferson
Survey area
Indiana:
Clark
Kentucky:
Hardin
Jefferson
Area of application. Survey area plus:
Indiana:
Jefferson
Kentucky:
Fayette
Madison
Warren

Louisiana

Bossier-Caddo
Survey area
Louisiana:
Bossier
Caddo
Area of application. Survey area plus:
Texas:
Bowie
Orleans
Survey area
Louisiana:
Orleans
Area of application. Survey area plus:
Plaquemines
Rapides
Survey area
Louisiana:
Rapides
Area of application. Survey area plus:
Louisiana:
Vernon

Maine

Aroostook
Survey area
Maine:
Aroostook
Area of application. Survey area plus:
Maine:
Washington County
Cumberland
Survey area
Maine:
Cumberland
Area of application. Survey area plus:
Maine:
Hancock
Kennebec
Knox
Penobscot
Sagadahoc

Maryland

Anne Arundel
Survey area
Maryland:
Anne Arundel
Area of application. Survey area plus:
Maryland: (cities)
Baltimore
Maryland: (counties)
Baltimore
Charles-St. Marys

Survey area
Maryland:
Charles
St. Marys
Area of application. Survey area plus:
Maryland:
Calvert
Virginia:
King George
Harford
Survey area
Maryland:
Harford
Area of application. Survey area plus:
Maryland:
Cecil
Montgomery-Prince Georges
Survey area
Maryland:
Montgomery
Prince Georges
Area of application. Survey area plus:

Washington

Survey area
Maryland:
Washington
Area of application. Survey area plus:
Maryland:
Frederick
West Virginia:
Berkeley

Massachusetts

Hampden
Survey area
Massachusetts:
Hampden
Area of application. Survey area plus:
Connecticut:
Hartford
Massachusetts:
Hampshire
Middlesex
Survey area
Massachusetts:
Middlesex
Area of application. Survey area plus:
New Hampshire:
Hillsborough
Norfolk
Survey area
Massachusetts:
Norfolk
Area of application. Survey area plus:
Massachusetts:
Barnstable
Plymouth
Nantucket
Suffolk

Michigan

Macomb
Survey area
Michigan:
Macomb
Area of application. Survey area plus:
Michigan:
Alpena
Calhoun
Crawford
Grand Traverse
Huron
Iosco
Leelanau
Saginaw
Washtenaw
Wayne
Ohio:
Ottawa
Marquette
Survey area
Michigan:
Marquette
Area of application. Survey area plus:
Michigan:
Chippewa
Dickinson
Houghton
Wisconsin:
Langlade

Minnesota

Hennepin
Survey area
Minnesota:
Hennepin
Area of application. Survey area plus:
Minnesota:
Morrison
Murray
Ramsey
Stearns
St. Louis
Wisconsin:
Juneau
Monroe
Polk

Mississippi

Harrison
Survey area
Mississippi:
Harrison
Area of application. Survey area plus:
Alabama:
Mobile
Mississippi:
Forest
Jackson
Lauderdale
Survey area
Mississippi:
Lauderdale
Area of application. Survey area plus:
Mississippi:
Hinds
Rankin
Warren
Lowndes
Survey area
Mississippi:
Lowndes
Area of application. Survey area plus:
Alabama:
Tuscaloosa

Montana

Cascade
Survey area
Montana:
Cascade
Area of application. Survey area plus:
Montana:
Fergus
Flathead
Hill
Lewis and Clark
Valley
Yellowstone

Nebraska

Douglas-Sarpy
Survey area
Nebraska:
Douglas
Sarpy
Area of application. Survey area plus:
Iowa:
Marion
Polk
Nebraska:
Hall
Lancaster
South Dakota:
Minnehaha

Nevada

Churchill-Washoe
Survey area
Nevada:
Churchill
Washoe
Area of application. Survey area plus:
California:
Lassen
Mono
Nevada:
Mineral
Clark
Survey area
Nevada:
Clark
Area of application. Survey area.

New Hampshire

Rockingham
Survey area
New Hampshire:
Rockingham
Area of application. Survey area plus:
Maine:
York
Vermont:
Windsor

New Jersey

Burlington
Survey area
New Jersey:
Burlington
Area of application. Survey area plus:
New Jersey:
Atlantic
Monmouth
Survey area
New Jersey:

Monmouth
Area of application. Survey area.
Morris
Survey area
New Jersey:
Morris
Area of application. Survey area plus:
New Jersey:
Somerset
Pennsylvania:
Monroe
Ocean
Survey area
New Jersey:
Ocean
Area of application. Survey area.

New Mexico

Bernalillo
Survey area
New Mexico:
Bernalillo
Area of application. Survey area plus:
New Mexico:
McKinley
Dona Ana
Survey area
New Mexico:
Dona Ana
Area of application. Survey area plus:
New Mexico:
Chaves
Otero

New York

Clinton
Survey area
New York:
Clinton
Area of application. Survey area plus:
Vermont:
Chittenden
Franklin
Kings-Queens
Survey area
New York:
Kings
Queens
Area of application. Survey area plus:
New Jersey:
Essex
Hudson
New York:
Bronx
Nassau
New York
Richmond
Suffolk
Niagara
Survey area
New York:
Niagara
Area of application. Survey area plus:
New York:
Erie
Genesee
Pennsylvania:
Erie
Oneida
Survey area
New York:
Oneida
Area of application. Survey area plus:
New York:
Albany
Jefferson
Onondago
Ontario
Saratoga
Schenectady
Seneca
Steuben
Orange
Survey area
New York:
Orange
Area of application. Survey area plus:
New York:
Dutchess
Westchester

North Carolina

Craven
Survey area
North Carolina:
Craven
Area of application. Survey area plus:
North Carolina:
Carteret
Dare
Onslow
Cumberland
Survey area
North Carolina:
Cumberland
Area of application. Survey area plus:
North Carolina:
Durham
Rowan
Onslow
Survey area
North Carolina:
Onslow
Area of application. Survey area.
Wayne
Survey area
North Carolina:
Wayne
Area of application. Survey area plus:
North Carolina:
Halifax

North Dakota

Grand Forks
Survey area
North Dakota:
Grand Forks
Area of application. Survey area plus:
Minnesota:
Lake of the Woods
North Dakota:
Cass
Cavalier
Steele
Ward
Survey area
North Dakota:
Ward
Area of application. Survey area plus:
North Dakota:
Divide

Ohio

Franklin
Survey area
Ohio:
Franklin
Area of application. Survey area plus:
Ohio:
Licking
Ross
West Virginia:
Cabell
Raleigh
Greene-Montgomery
Survey area
Ohio:
Greene
Montgomery
Area of application. Survey area plus:
Ohio:
Clinton
Hamilton

Oklahoma

Comanche
Survey area
Oklahoma:
Comanche
Area of application. Survey area plus:
Oklahoma:
Cotton
Jackson
Oklahoma
Survey area
Oklahoma:
Oklahoma
Area of application. Survey area plus:
Oklahoma:
Garfield
Muskogee
Pittsburg

Pennsylvania

Allegheny
Survey area
Pennsylvania:
Allegheny
Area of application. Survey area plus:
Ohio:
Cuyahoga
Trumbull
Pennsylvania:
Butler
Westmoreland
West Virginia:
Harrison
Bucks-Montgomery
Survey area
Pennsylvania:
Bucks
Montgomery
Area of application. Survey area plus:
Pennsylvania:
Luzerne
Cumberland

Survey area
Pennsylvania:
Cumberland
Area of application. Survey area
Franklin
Survey area
Pennsylvania:
Franklin
Area of application. Survey area plus:
Pennsylvania:
Blair
Lebanon
Survey area
Pennsylvania:
Lebanon
Area of application. Survey area plus:
Pennsylvania:
Columbia
Philadelphia
Survey area
Pennsylvania:
Philadelphia
Area of application. Survey area plus:
Delaware:
New Castle
New Jersey:
Camden
Cape May
Gloucester
Salem
Pennsylvania:
Chester
York
Survey area
Pennsylvania
York
Area of application. Survey area.

Puerto Rico

Guaynabo-San Juan
Survey area
Puerto Rico: (municipalities)
Guaynabo
San Juan
Area of application. Survey area plus:
Puerto Rico: (municipalities)
Aguadilla
Isabela
Ponce
Toa Baja
Ceiba
Vieques
U.S. Virgin Islands:
St. Croix
St. Thomas

Rhode Island

Newport
Survey area
Rhode Island:
Newport
Area of application. Survey area.
Rhode Island
Providence
Washington

South Carolina

Charleston
Survey area
South Carolina:
Charleston
Area of application. Survey area plus:
South Carolina:
Berkeley
Horry
Survey area
South Carolina:
Horry
Area of application. Survey area plus:
North Carolina
New Hanover
Richland
Survey area
South Carolina:
Area of application. Survey area plus:
North Carolina:
Buncombe
South Carolina:
Sumpter
Tennessee:
Washington

South Dakota

Pennington
Survey area
South Dakota:
Pennington
Area of application. Survey area plus:
Montana:
Custer
South Dakota:
Fall River
Meade
Wyoming:
Sheridan

Tennessee

Shelby
Survey area
Tennessee
Shelby
Area of application. Survey area plus:
Arkansas:
Mississippi
Missouri:
Butler

Texas

Bell
Survey area
Texas:
Bell
Area of application. Survey area plus:
Texas:
Coryell
Falls
Bexar
Survey area
Texas:
Bexar
Area of application. Survey area plus:
Texas:
Comal
Kerr
Val Verde
Dallas
Survey area
Texas:
Dallas
Area of application. Survey area plus:
Texas:
Fannin
Galveston
Harris
El Paso
Survey area
Texas:
El Paso
Area of application. Survey area plus:
Lubbock
Survey area
Texas:
Lubbock
Area of application. Survey area plus:
New Mexico
Curry
Texas:
Potter
McLennan
Survey area
Texas:
McLennan
Area of application. Survey area plus:
Nueces
Survey area
Texas:
Nueces
Area of application. Survey area plus:
Texas:
Bee
Calhoun
Kleberg
Webb
Tarrant
Survey area
Texas:
Tarrant
Area of application. Survey area plus:
Texas:
Cooke
Palo Pinto
Taylor
Survey area
Texas:
Taylor
Area of application. Survey area plus:
Tom Green
Survey area
Texas:
Tom Green
Area of application. Survey area plus:
Texas:
Howard
Travis
Survey area
Texas:
Travis
Area of application. Survey area plus:
Texas:
Burnet
Wichita
Survey area
Texas:
Wichita
Area of application. Survey area plus:

Utah

Davis-Salt Lake-Weber
Survey area
Utah:
Davis
Salt Lake
Weber
Area of application. Survey area plus:
Utah:
Box Elder
Tooele
Uintah

Virginia

Alexandria-Arlington-Fairfax
Survey area
Virginia: (cities)
Alexandria
Virginia: (counties)
Arlington
Fairfax
Area of application. Survey area plus:
Chesterfield-Richmond
Survey area
Virginia: (cities)
Richmond
Virginia: (counties)
Chesterfield
Area of application. Survey area plus:
Virginia: (cities)
Bedford
Charlottesville
Salem
Virginia: (counties)
Caroline
Nottoway
Prince George
West Virginia:
Pendleton
Hampton-Newport News
Survey area
Virginia: (cities)
Hampton
Newport News
Area of application. Survey area plus:
Virginia: (cities)
Williamsburg
Virginia: (counties)
York
Norfolk-Portsmouth-Virginia Beach
Survey area
Virginia: (cities)
Norfolk
Portsmouth
Virginia Beach
Area of application. Survey area plus:
North Carolina:
Pasquotank
Virginia: (cities)
Chesapeake
Suffolk
Virginia: (counties)
Accomack
Northampton
Prince William
Survey area
Virginia:
Prince William
Area of application. Survey area plus:
Virginia:
Facquier

Washington

King
Survey area
Washington:
King
Area of application. Survey area plus:
Washington:
Island
Snohomish
Whatcom
Yakima
Kitsap
Survey area
Washington:
Kitsap
Area of application. Survey area plus:
Clallam
Pierce
Survey area
Washington:
Pierce
Area of application. Survey area plus:
Oregon:
Clatsop
Coos
Douglas
Multnomah
Tillamook
Washington:
Clark
Grays Harbor
Spokane
Survey area
Washington:
Spokane
Area of application. Survey area plus:
Oregon:
Umatilla
Washington:
Adams
Walla Walla

Wyoming

Laramie
Survey area
Wyoming:
Laramie
Area of application. Survey area plus:

§ 532.307 [Amended]

18. Section 532.307(a) is amended by removing the phrase "in accordance with the instructions issued by the Office of Personnel Management" in the last sentence.

§ 532.311 [Amended]

19. Section 532.311 is amended by removing the phrase "in accordance with instructions in the Federal Personnel Manual" in the first sentence.

§ 532.313 [Redesignated as 532.317]

20. Section 532.313 is redesignated as § 532.317 and paragraph (a) is revised to read as follows:

§ 532.317 Use of data from the nearest similar area.

(a)(1) For prevailing rate employees other than those in the Department of Defense, the lead agency shall, in establishing the regular schedule under the provisions of this subpart, analyze and use the acceptable data from the nearest similar wage area together with the data obtained from inside the local wage survey area. The regular schedule for Department of Defense prevailing rate employees shall be based on local wage data only.

(2) The total number of weighted matches obtained from the nearest similar wage area to be used in establishing the regular wage schedule shall not exceed the number of weighted matches used which were obtained from inside the local wage survey area.

(3) If there are two dominant industries for which data are obtained from nearest similar areas, the total number of outside area weighted matches used for both specialized industries may not exceed the total number of weighted matches obtained in the local wage survey area.

* * * * *

21. New § § 532.313 and 532.315 are added to subpart C to read as follows:

§ 532.313 Private sector industries.

(a) For appropriated fund surveys, a lead agency shall use the following private sector industries in making its determinations for each specialized industry:

Aircraft

SIC 3721 Aircraft
SIC 3724 Aircraft engines and engine parts
SIC 3728 Aircraft parts and auxiliary equipment
SIC 3764 Guided missile and space vehicle propulsion units and propulsion unit parts
SIC 3769 Guided missile and space vehicle parts and auxiliary equipment
SIC 4512 Air transportation, scheduled
SIC 4513 Air courier services
SIC 4522 Air transportation, non-certificated carriers
SIC 4581 Airports, flying fields and airport terminal services

Ammunition

SIC 2892 Explosives
SIC 3482 Small arms ammunition
SIC 3483 Ammunition, except for small arms

Artillery and combat vehicles

SIC 3273 Ready mixed concrete
SIC 3489 Ordnance and accessories
SIC 351 Engines and turbines
SIC 3523 Farm machinery and equipment
SIC 3524 Garden, tractors and lawn and garden equipment
SIC 3531 Construction machinery and equipment

SIC 3536 Hoists, industrial cranes, and monorail systems
SIC 3537 Industrial trucks, tractors, trailers and stackers
SIC 3711 Motor vehicles and passenger car bodies
SIC 3713 Truck and bus bodies
SIC 3714 Motor vehicle parts and accessories
SIC 3715 Truck trailers
SIC 3795 Tanks and tank components
SIC 4041 Railway express service
SIC 421 Trucking, local and long distance
SIC 4812 Radiotelephone communications
SIC 4813 Telephone communication, except radiotelephone
SIC 4911 Electric services
SIC 492 Gas production and distribution
SIC 493 Combination electric and other utility services
SIC 501 Motor vehicles and motor vehicle parts and supplies, except SIC 5015 motor vehicle parts, used
SIC 5082 Construction and mining machinery and equipment
SIC 5083 Farm and garden machinery and equipment

Communications

SIC 3612 Power, distribution and specialty transformers
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3812 Search, navigation, guidance, aeronautical and nautical systems, instruments and equipment
SIC 3825 Instruments for measuring and testing of electricity and electrical signals
SIC 4812 Radiotelephone communications
SIC 4813 Telephone communication, except radiotelephone
SIC 4832 Radio broadcasting
SIC 4833 Television broadcasting
SIC 4841 Cable and other pay TV services
SIC 4899 Communication services, NEC

Electronics

SIC 3571 Electronic computers
SIC 3572 Computer storage devices
SIC 3575 Computer terminals
SIC 3577 Computer peripheral equipment, not elsewhere classified
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3672 Printed circuit boards
SIC 3674 Semi-conductors and related devices
SIC 3675 Electronic capacitors
SIC 3676 Resistor, for electronic applications
SIC 3677 Electronic coils, transformers and other inductors
SIC 3678 Connecters, for electronic applications
SIC 3679 Electronic components, not elsewhere classified
SIC 3695 Recording media
SIC 5044 Office equipment
SIC 5045 Computer and computer peripheral equipment and software

Guided missiles

SIC 3571 Electronic computers
SIC 3572 Computer storage devices
SIC 3575 Computer terminals
SIC 3577 Computer peripheral equipment, not elsewhere classified
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3724 Aircraft engines and engine parts
SIC 3728 Aircraft parts and auxiliary equipment
SIC 3761 Guided missiles and space vehicles
SIC 3764 Guided missile and space vehicle propulsion units and propulsion unit parts
SIC 3769 Guided missile and space vehicle parts and auxiliary equipment
SIC 3812 Search, navigation, aeronautical and nautical systems, instruments and equipment
SIC 8711 Engineering services
SIC 8712 Architectural services
SIC 8713 Surveying services

Heavy duty equipment

SIC 3531 Construction machinery and equipment
SIC 3536 Hoists, industrial cranes and monorail systems
SIC 3537 Industrial trucks, tractors, trailers and stackers
SIC 5082 Construction and mining machinery and equipment

Shipbuilding

SIC 3731 Shipbuilding and repairing

Sighting and fire control equipment

SIC 3571 Electronic computers
SIC 3572 Computer storage devices
SIC 3575 Computer terminals
SIC 3577 Computer peripheral equipment, not elsewhere classified
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3812 Search, navigation, guidance, aeronautical and nautical systems, instruments and equipment
SIC 3827 Optical instruments and lenses

Small arms

SIC 3484 Small arms.

(b) Industries in SICs 3273, 4041, 421, 4811, 4911, 492 and 493, listed in paragraph (a) of this section are limited in special job coverage to automotive mechanic, diesel engine mechanic and heavy mobile equipment mechanic.

(c) For nonappropriated fund surveys, the lead agency shall use SIC 581 (eating and drinking places industry) in making its determination for a specialized industry.

§ 532.315 Additional survey jobs.

(a) For appropriated fund surveys, when the lead agency adds to the industries to be surveyed, it shall add to the required survey jobs the specialized survey jobs which are listed below opposite the industry added:

Specialized industry	Specialized survey jobs	Grade
Aircraft	Electronics mechanic	WG-11
	Aircraft structures assembler B	WG-7
	Aircraft structures assembler A	WG-9
	Aircraft mechanic	WG-10
	Aircraft mechanic includes:	
	Aircraft electrician	WG-10
	Aircraft welder	WG-10
	Aircraft sheetmetal worker	WG-10
	Hydromechanical fuel control repairer	WG-10
	Aircraft engine mechanic	WG-10
	Aircraft jet engine mechanic	WG-10
	Flight line mechanic	WG-10
	Aircraft attendant (ground services)	WG-7
Ammunition	Munitions handler	WG-4
	Munitions operator	WG-4
	Munitions operator	WG-6
	Munitions operator	WG-8
	Munitions operator	WG-9
	Explosives operator	WG-9
Artillery and combat vehicles	Automotive mechanic (limited to data obtained in special industries)	WG-10
	Heavy mobile equipment mechanic	WG-10
	Artillery repairer	WG-9
	Combat vehicle mechanic	WG-8
	Combat vehicle mechanic (engine)	WG-10

Specialized industry	Specialized survey jobs	Grade
	Combat vehicle mechanic	WG-11
	Diesel engine mechanic (limited to data obtained in special industries)	WG-10
Communications	Telephone installer-repairer	WG-9
	Central office repairer	WG-11
	Electrican test equipment repairer	WG-11
	Television station mechanic	WG-11
Electronics	Electronics mechanic	WG-11
	Industrial electronic controls repairer	WG-10
	Electronic test equipment repairer	WG-11
	Electronic computer mechanic	WG-11
	Television station mechanic	WG-11
Guided missiles	Electronic computer mechanic	WG-11
	Guided missile mechanical repairer	WG-11
Heavy duty equipment	Heavy mobile equipment mechanic	WG-10
Shipbuilding	Electronics mechanic	WG-11
	Electrician, ship	WG-10
	Pipefitter, ship	WG-10
	Shipfitter	WG-10
	Shipwright	WG-10
	Machinist (marine)	WG-10
Sighting and fire control	Electronic computer mechanic	WG-11
	Fire control instrument repairman	WG-11
	Electronic fire control systems repairer	WG-11
	Electronic fire control systems repairer	WG-12
	Electronic fire control systems repairer	WG-13
Small arms	Small arms repairer	WG-8

(b) For nonappropriated fund surveys, a lead agency must obtain prior approval of OPM to add a job not listed in § 532.223 of this subpart.

22. In § 532.401, the definition of "equivalent increase" is revised to read as follows:

§ 532.401 Definitions.

* * * * *

Equivalent increase means an increase or increases in an employee's rate of basic pay equal to or greater than the difference between the rate of pay for the grade and step to which the employee moves and the rate of pay for the next higher step of that grade except in the situations specified in § 532.417 of this subpart.

* * * * *

23. In § 532.417, paragraph (e) is added to read as follows:

§ 532.417 Within-grade increases.

* * * * *

(e) *Equivalent increase.* The following shall not be counted as equivalent increases:

(1) Application of a new or revised wage schedule or application of a new pay or evaluation plan;

(2) Payment of additional compensation in the form of nonforeign or foreign post differentials, or nonforeign cost-of-living allowances;

(3) Adjustment of the General Schedule;

(4) Premium payment for overtime and holiday duty;

(5) Payment of night shift differential;

(6) Hazard pay differentials;

(7) Payment of rates above the minimum rate of the grade in recognition of specific qualifications, or in jobs in specific hard-to-fill occupations.

(8) Correction of an error in a previous demotion or reduction in pay;

(9) Temporary limited promotion which is followed by change to lower grade to the former or a different lower grade;

(10) A transfer or reassignment in the same grade and step to another local wage area which has a higher wage schedule;

(11) Repromotion to a former or intervening grade of any employee whose earlier change to lower grade was not for cause and was not at the employee's request; and

(12) An increase resulting from the grant of a quality increase.

24. In § 532.511, paragraph (d) is added to read as follows:

§ 532.511 Environmental differentials.

* * * * *

(d) The schedule of environmental differentials is set out as appendix A to this subpart and is incorporated in and made a part of this section.

25. Appendix A to subpart E is added to read as follows:

Appendix A to Subpart E of Part 532—Schedule of Environmental Differentials Paid for Exposure to Various Degrees of Hazards, Physical Hardships, and Working Conditions of an Unusual Nature

This appendix lists the environmental differentials authorized for exposure to various degrees of hazards, physical hardships, and working conditions of an unusual nature.

PART 1. PAYMENT FOR ACTUAL EXPOSURE

Differential rate (percent)	Category for which payable	Effective date
100	1. *Flying.* Participating in flights under one or more types of the following conditions: a. Test flights of a new or repaired plane or modified plane when the repair or modification may affect the flight characteristics of the plane; b. Flights for test performance of plane under adverse conditons such as in low altitude or severe weather conditions, maximum load limits, or overload; c. Test missions for the collection of measurement data where two or more aircraft are involved and flight procedures require formation flying and/or rendezvous at various altitudes and aspect angles; d. Flights deliberately undertaken in extreme weather conditions such as flying into a hurricane to secure weather data; e. Flights to deliver aircraft which have been prepared for one-time flight without being test flown prior to delivery flight; f. Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests; g. Low-level flights in small aircraft including helicopters at altitude of 500 feet and under in daylight and 1,000 feet and under at night when the flights are over mountainous terrain, or in fixed-wing aircraft involving maneuvering at the heights and times specified above, or in helicopters maneuvering and hovering over water at altitudes of less than 500 feet; h. Low-level flights in an aircraft flying at altitudes of 200 feet and under while conducting wildlife surveys and law enforcement activities, animal depredation abatement and making agricultural applications, and conducting or facilitating search and rescue operations; flights in helicopters at low levels involving line inspection, maintenance, erection, or salvage operations; i. Flights involving launch or recovery aboard an aircraft carrier; j. Reduced gravity light testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through 2 gravity conditions.	Nov. 1, 1970.
25	2. *High work.* Working on any structure of at least 100 feet above the ground, deck, floor or roof, or from the bottom of a tank or pit; b. Working at a lesser height: (1) If the footing is unsure or the structure is unstable; or (2) If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate, for example, working from a swinging stage, boatswain chair, a similar support; or (3) If adverse conditions such as darkness, steady rain, high wind, icing, lightning or similar environmental factors render working at such height(s) hazardous.	Nov. 1, 1970.
15	3. *Floating targets.* Servicing equipment on board a target ship or barge in which the employee is required to board or leave the target vessel by small boat or helicopter.	Nov. 1, 1970.
4	4. *Dirty work.* Performing work which subjects the employee to soil of body or clothing: a. Beyond that normally to be expected in performing the duties of the classification; and b. Where the condition is not adequately alleviated by the mechanical equipment or protective devices being used, or which are readily available, or when such devices are not feasible for use due to health considerations (excessive temperature, asthmatic conditions, etc), or c. When the use of mechanical equipment, or protective devices, or protective clothing results in an unusual degree of discomfort.	Nov. 1, 1970.
5	5. *Cold work.* a. Working in cold storage or other climate-controlled areas where the employee is subjected to temperatures at or below freezing (32 degrees Fahrenheit).	Nov. 1, 1970.
	b. Working in cold storage or other climate-controlled areas where the employee is subjected to temperatures at or below freezing (32 degrees Fahrenheit) where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.	Mar. 13, 1977.
4	6. *Hot work.* a. Working in confined spaces wherein the employee is subjected to temperatures in excess of 110 degrees Fahrenheit.	Nov. 1, 1970.
	b. Working in confined spaces wherein the employee is subjected to temperatures in excess of 110 degrees Fahrenheit where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.	Mar. 13, 1977.
4	7. *Welding preheated metals.* Welding various metals or performing an integral part of the welding process when the employee must work in confined spaces in which large sections of metal have been preheated to 150 degrees Fahrenheit or more, and the discomfort is not alleviated by protective devices or other means, or discomforting protective equipment must be worn.	Nov. 1, 1970.
4	8. *Micro-soldering or wire welding and assembly.* Working with binocular-type microscopes under conditions which severely restrict the movement of the employee and impose a strain on the eyes, in the soldering or wire welding and assembly of minature electronic components.	Nov. 1, 1970.
25	9. *Exposure to hazardous weather or terrain.* Exposure to dangerous conditions of terrain, temperature and/or wind velocity, while working or traveling when such exposure introduces risk of significant injury or death to employees; such as the following: *Examples:* —Working on cliffs, narrow ledges, or steep mountainous slopes, with or without mechanical work equipment, where a loss of footing would result in serious injury or death. —Working in areas where there is a danger of rock falls or avalanches. —Traveling over secondary or unimproved roads to isolated mountaintop installations at night, or under adverse weather conditions (snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snowslides. —Traveling in the wintertime, either on foot or by vehicle, over secondary or unimproved roads or snowtrails, in sparsely settled or isolated areas to isolated installations when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet. —Working or traveling in sparsely settled or isolated areas with exposure to temperatures and/or wind velocity shown to be of considerable or very great danger on the windchill chart (Exhibit 1 of this appendix), and shelter (other than temporary shelter) or assistance is not readily available. —Snowplowing or snow and ice removal on primary, secondary or other class of roads, when (a) there is danger of avalanche or (b) there is danger of missing the road and falling down steep mountainous slopes, because of lack of snowstakes, "whiteout" conditions, or sloping icepack covering the snow.	July 1, 1972.

PART 1. PAYMENT FOR ACTUAL EXPOSURE—Continued

Differential rate (percent)	Category for which payable	Effective date
25	10. *Unshored work.* Working in excavation areas before the installation of proper shoring or other securing barriers, or in catastrophe areas, where there is a possibility of cave-in, building collapse or falling debris when such exposures introduce risk of significant injury or death to employees, such as the following: *Examples:* —Working adjacent to the walls of an unshored excavation at depths greater than six feet (except when the full depth of the excavation is in stable solid rock, hard slag, or hard shale, or the walls have been graded to the angle of repose, that is, where the danger of slides is practically eliminated), when work is performed at a distance from the wall which is less than the height of the wall. —Working within or immediately adjacent to a building or structure which has been severely damaged by earthquake, fire, tornado or similar cause. —Working underground in the construction and/or inspection of tunnels and shafts before the necessary lining of the passageway has been installed. —Duty underground in abandoned mines where lining of tunnels or shafts is in a deteriorated condition.	July 1, 1972.
15	11. *Ground work beneath hovering helicopter.* Participating in operation to attach or detach external load to helicopter hovering just overhead.	July 1, 1972.
15	12. *Hazardous boarding or leaving of surface craft.* Boarding or leaving vessels or transferring equipment to or from a surface craft under adverse conditions of foul weather, ice, or night when sea state is high (three feet and above), and deck conditions and/or wind velocity in relation to the size of the craft introduce unusual risks to employees. *Examples:* —Boarding or leaving vessels at sea. —Boarding or leaving, or transferring equipment between small boats or rafts and steep, rocky, or coral-surrounded shorelines. —Transferring equipment between a small boat and a rudimentary dock by improvised or temporary facility such as an unfastened plank leading from boat to dock. —Boarding or lesving, or transferring equipment from or to ice covered floats, rafts, or similar structures when there is danger of capsizing due to the added weight of the ice.	July 1, 1972.
8	13. *Cargo handling during lightering operations.* Off-loading of cargo and supplies from surface ships to Landing Craft-Medium (LCM) boats when swells or wave action are sufficiently severe as to cause sudden listing or pitching of the deck surface or shifting or falling of equipment, cargo, or supplies which could subject the employee to falls, crushing, ejection into the water or injury by swinging cargo hooks.	July 1, 1972.
15	14. *Duty aboard surface craft.* Duty aboard a surface craft when the deck conditions or sea state and wind velocity in relation to the size of the craft introduces the risk of significant injury or death to employees, such as the following: —Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 35 m.p.h. (classified as gale winds) or in water search and rescue operations at night. —Participating as a member of a weather projects team when work is performed under adverse weather conditions, when winds are blowing at 35 m.p.h., and/or when seas are in excess of 14 feet, or when working on outside decks when decks are slick and icy when swells are in excess of 3 feet. —When embarking, disembarking or traveling in small craft (boat) on Lake Ponchartrain when wind direction is from north northeast or northwest, and wind velocity is over 15 knots: or when travel on Lake Ponchartrain is necessary in small craft, without radar equipment, due to emergency or unavoidable conditions and the trip is made in dense fog run procedures. —Participating in deep research vessel sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the sea state is high (12-knot winds and 3-foot waves) and the work is done on relatively unprotected deck areas. —Transferring from a ship to another ship via a chair harness hanging from a highline between the ships when both vessels are under way. —Duty performed on floating platforms, camels, or rafts, using tools equipment or materials associated with ship repair or construction activities, where swells or wave action are sufficiently severe to cause sudden listing or pitching of the deck surface or dislodgement of equipment which could subject the employee to falls, crushing, or ejection into the water.	July 30, 1972.
50	15. *Work at extreme heights.* Working at heights 100 feet or more above the ground, deck, floor or roof, or from the bottom of a tank or pit on such open structures as towers, girders, smokestacks and similar structures: (1) If the footing is unsure or the structure is unstable; or (2) If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example, working from a swinging stage, boatswain chair, or a similar support); or (3) If adverse conditions such as darkness, steady rain, high wind, icing, lightning, or similar environmental factors render working at such height(s) hazardous.	Oct. 22, 1972.
6	16. *Fibrous Glass Work.* Working with or in close proximity to fibrous glass material which results in exposure of the skin, eyes or respirstory system to irritating fibrous glass particles or slivers where exposure is not practially eliminated by the mechanical equipment or protective devices being used.	Feb. 28, 1975.
50	17. *High Voltage Electrical Energy.* Working on energized electrical lines rated at 4,160 volts or more which are suspended from utility poles or towers, when adverse weather conditions such as steady rain, high winds, icing, lightning, or similar environmental factors make the work unusually hazardous.	Apr. 11, 1977.
6	18. *Welding, Cutting, or Burning in Confined Spaces.* Welding, cutting, or burning within a confined space which necessitates working in a horizontal or nearly horizontal position, under conditions requiring egress of at least 14 feet over and through obstructions including: (1) access openings and baffles having dimensions which greatly restrict movements, and (2) irregular inner surfaces of the structure or structure components.	Jan. 18, 1978.

PART II —PAYMENT ON BASIS OF HOURS IN PAY STATUS

Differential rate	Category for which payable	Effective date
50%	1. *Duty aboard submerged vessel.* Duty aboard a submarine or other vessel such as a deep-research vehicle while submerged	Nov. 1, 1970
8%	2. *Explosives and incendiary material—high degree hazard.* Working with or in close proximity to explosives and incendiary material which involves potential personal injury such as permanent or temporary, partial or complete loss of sight or hearing, partial or complete loss of any or all extremities; other partial or total disabilities of equal severity; and/or loss of life resulting from work situations wherein protective devices and/or safety measures either do not exist or have been developed but have not practically eliminated the potential for such personal injury. Normally, such work situations would result in extensive property damage requiring complete replacement of equipment and rebuilding of the damaged area; and could result in personal injury to adjacent employees. *Examples:* —Working with, or in close proximity to operations involved in research, in testing, manufacturing, inspection, renovation, maintenance and disposal, such as:. —Screening, blending, drying, mixing, and pressing of sensitive explosives and compositions such as lead azide, black powder and photoflash powder. —Manufacture and distribution of raw nitrogylcerine —Nitration, neutralization, crystallization, purification, screening and drying of high explosives. —Manufacture of propellants, high explosives and incendiary materials. —Melting, cast loading, pellet loading, drilling, and thread cleaning of high explosives. —Manufacture of primary or initiating explosives such as lead azide —Manufacture of primer or detonator mix —Loading and assembling high-energy output flare pellets —All dry-house activities involving propellants or explosives —Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive explosives and incendiary materials —All operations involving fire firefighting on an artillery range or at an ammunition manufacturing plant or storage area, including heavy duty equipment operators, truck drivers, etc. —All operations involving regrading and cleaning of artillery ranges —At-sea shock and vibration tests. Arming explosive charges and/or working with, or in close proximity to, explosive-armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies. —Handling or engaging in destruction operations on an armed (or potentially armed) warhead.	
4%	3. *Explosives and incendiary material—low-degree hazard.* a. Working with or in close proximity to explosives and incendiary material which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation and possible adjacent employees; minor irritation of the skin; minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used.	Nov. 1, 1970.
	b. Working with or in close proximity to explosives and incendiary material which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation and possible adjacent employees; minor irritation of the skin; minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used and wherein protective device and/or safety measures have not practically eliminated the potential for such injury. *Examples:* —All operations involving loading, unloading, storage and hauling of explosive and incendiary ordnance material other than small arms ammunition. (Distribution of raw nitrogylcerine is covered under high degree hazard—see category 2 above.). —Duties such as weighing, scooping, consolidating and crimping operations incident to the manufacture of stab, percussion, and low energy electric detonators (initiators) utilizing sensitive primary explosives compositions where initiation would be kept to a low order of propagation due to the limited amounts permitted to be present or handled during the operations. —Load, assembly and packing of primers, fuses, propellant charges, lead cups, boosters, and time-train rings. —Weighing, scooping, loading in bags and sewing of ignitor charges and propellant zone charges. —Loading, assembly, and packing of hand-held signals, smoke signals, and colored marker signals. —Proof-testing weapons with a known overload of powder or charges. —Arming/disarming or the installation/removal of any squib, explosive device, or component thereof, connected to or part of a solid propulsion system, including work situations involving removal, inspection, test and installation of aerospace vehicle egress and jettison systems and other cartridge actuated devices and rocket assisted systems or components thereof, when accidental or inadvertent operation of the system or a component might occur.	Mar. 13, 1977.
8%	4. *Poisons (toxic chemicals)—high degree hazard.* Working with or in close proximity to poisons (toxic chemicals), other than tear gas or similar irritants, which involves potential serious personal injury such as permanent or temporary, partial or complete loss of faculties and/or loss of life including exposure of an unusual degree to toxic chemicals, dust, or fumes of equal toxicity generated in work situations by processes required to perform work assignments wherein protective devices and/or safety measures have been developed but have not practically eliminated the potential for such personal injury. *Examples:* —Handling and storing toxic chemical agents including monitoring of areas to detect presence of vapor or liquid chemical agents; examining of material for signs of leakage or deteriorated material; decontaminating equipment and work sites; work relating to disposal of deteriorated material (exposure to conjunctivitis, pulmonary edema, blood infection, impairment of the nervous system, possible death). —Renovation, maintenance, and modification of toxic chemicals, guided missiles, and selected munitions. —Operating various types of chemical engineering equipment in a restricted area such as reactors, filters, stripping units, fractioning columns, blenders, mixers, pumps, and the like utilized in the development, manufacturing, and processing of toxic or experimental chemical warfare agents. —Demilitarizing and neutralizing toxic chemical munitions and chemical agents. —Handling or working with toxic chemicals in restricted areas during production operations. —Preparing analytical reagents, carrying out colormetric and photometric techniques, injecting laboratory animals with compounds having toxic, incapacitating or other effects. —Recording analytical and biological tests results where subject to above types of exposure. —Visually examining chemical agents to determine conditions or detect leaks in storage containers. —Transferring chemical agents between containers. —Salvaging and disposing of chemical agents.	Nov. 1, 1970
4%	5. *Poisons (toxic chemicals)—low degree hazard.* a. Working with or in close proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents.	Nov. 1, 1970.
	b. Working with or in close proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents and wherein protective devices and/or safety measures have not practically eliminated the potential for personal injury.	Mar. 13, 1977.

PART II —PAYMENT ON BASIS OF HOURS IN PAY STATUS—Continued

Differential rate	Category for which payable	Effective date
	Example:	
	—Handling for shipping, marking, labeling, hauling and storing loaded containers of toxic chemical agents that have been monitored.	
8%	6. *Micro-organisms—high degree hazard.* Working with or in close proximity to micro-organisms which involves potential personal injury such as death, or temporary, partial, or complete loss of faculties or ability to work due to acute, prolonged, or chronic disease. These are work situations wherein the use of safety devices and equipment, medical prophylactic procedures such as vaccines and antiserims and other safety measures do not exist or have been developed but have not practically eliminated the potential for such personal injury.	Nov. 1, 1970.
	Examples:	
	—Direct contact with primary containers of organisms pathogenic for man such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material. Operating or maintaining equipment in biological experimentation or production.	
	—Cultivating virulent organisms on artificial media, including embryonated hen's eggs and tissue cultures where innoculation or harvesting of living organisms is involved for production of vaccines, toxides, etc., or for sources of material for research investigations such as antigenic analysis and chemical analysis.	
4%	7. *Micro-organisms—low degree hazard.* a. Working with or in close proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material.	Nov. 1, 1970.
	—b. Working with or in close proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material and wherein the use of safety devices and equipment and other safety measures have not practically eliminated the potential for personal injury.	Mar. 13, 1977.
8%	8. *Pressure chamber and centrifugal stress.* Exposure in pressure chamber which subjects employee to physical stresses or where there is potential danger to participants by reason of equipment failure or reaction to the test conditions; or exposure which subjects an employee to a high degree of centrifugal force which causes an unusual degree of discomfort.	July 1, 1972.
	Examples:	
	—Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock-up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures.	
	—Participating in altitude chamber studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject.	
	—Participating as subject in centrifuge studies involving elevated G forces above the level of 5 G's whether or not at reduced atmospheric pressure.	
	—Participating as a subject in a rotational flight simulator in studies involving continuous rotation in one axis through 360° at rotation rates greater than 15 r.p.m. for periods exceeding three minutes.	
8%	9. *Work in fuel storage tanks.* When inspecting, cleaning, or repairing fuel storage tanks where there is no ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank.	July 1, 1972.
	10. *Firefighting.* Participating or assisting in firefighting operations on the immediate fire scene and in direct exposure to the hazards inherent in containing or extinguishing fires.	
25%	*High degree.*	
	—Fighting forest and range fires on the fireline.	
8%	*Low degree.*	
	—All other firefighting.	
8%	11. *Experimental landing/recovery equipment tests.*	July 1, 1972.
	—Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.	
8%	12. *Land impact or pad abort of space vehicle.* Actual participation in dearming and safing explosive ordnance, toxic propellant, and high-pressure vessels on vehicles that have land impacted or on vehicles on the launch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition.	July 1, 1972.
4%	13. *Mass explosives and/or incendiary material.* Working within a controlled danger area in, on, or around wharves, transfer areas, or temporary holding areas in a transshipment facility when explosives are in the process of being shifted to or from a conveyance.	July 1, 1972.
	Such an area shall include land and sea areas within which it has been determined that personnel are subject to an unusual degree of exposure or liability to serious injury or death from potential explosive effect.	
	A transshipment facility for this purpose is a port or sea terminal established for the marshalling or temporary assembly of explosives prior to shipment where amounts in excess of 250,000 pounds net explosive weight (NEW) are present on a regular or recurring basis.	
4%	14. *Duty aboard aircraft carrier.* Duty aboard an aircraft carrier when exposed to hazards connected with aircraft launch and recovery:	July 1, 1972.
	Examples:	
	—Participating in carrier suitability trials aboard aircraft carriers when work is performed on the flight deck during launch, recovery and refueling operations.	
	—Operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations.	
8%	15. *Participating in missile liquid propulsion or solid propulsion situations.* Participating in research and development, or preoperational test and evaluation situation involving missile liquid or solid propulsion systems where mechanical, or other equipment malfunction, or accidental combination of certain fuels and/or chemicals, or transient voltage and current buildup on or within the system when the system is in a "go" condition on the test stand, or sled, can result in explosion, fire, premature ignition or firing.	Mar. 4, 1974.
	Examples:	
	—Test stand or track tests, when adequate protective devices and/or safety measures either do not exist or have been developed but have not practically eliminated the potential for personal injury, under any of the following conditions:.	
	a. Tanks are being pressurized above normal servicing pressure.	
	b. Assembly, disassembly, or repair of contaminated plumbing containing inhibited red fuming nitric acid and unsymmetrical dimethydrazine or other hypergolic fuels is required.	
	c. Fueling and defueling.	
	—Hoisting hypergolic liquid fueled systems into, or out of, a test stand, where the working area is confined, and external plumbing is present resulting in a situation where the plumbing may be damaged causing a leak.	
	—Tests on foreign missiles where technical data is questionable or not available.	
	—Manned test firings of small, close support missiles for which safety performance data are not yet available.	

PART II —PAYMENT ON BASIS OF HOURS IN PAY STATUS—Continued

Differential rate	Category for which payable	Effective date
8%	—Removal of a missile, propulsion system or component thereof from a test stand, fixture, or environmental chamber where there is reason to believe that the item may be unusually hazardous due to damage, resulting from the test. 16. *Asbestos*. Working in an area where airborne concentrations of asbestos fibers may expose employees to potential illness or injury and protective devices or safety measures have not practically eliminated the potential for such personnel illness or injury.	Mar. 9, 1975.

EXHIBIT 1.—WINDCHILL CHART

[Local temperature (° F)]

For properly clothed persons			Danger from freezing of exposed flesh								
Little danger			Considerable danger			Very great danger					
Wind Speed (MPH)	32	23	14	5	−4	−13	−22	−31	−40	−49	−58
Calm	32	23	14	5	−4	−13	−22	−31	−40	−49	−58
5	29	20	10	1	−9	−18	−28	−37	−47	−56	−65
10	18	7	−4	−15	−26	−37	−48	−59	−70	−81	−92
15	13	−1	−13	−25	−37	−49	−61	−73	−85	−97	−109
20	7	−6	−19	−32	−44	−57	−70	−83	−96	−109	−121
25	3	−10	−24	−37	−50	−64	−77	−90	−104	−117	−130
30	1	−13	−27	−41	−54	−68	−82	−97	−109	−123	−137
35	−1	−15	−29	−43	−57	−71	−85	−99	−113	−127	−142
40	−3	−17	−31	−45	−59	−74	−87	−102	−116	−131	−145
45	−3	−18	−32	−46	−61	−75	−89	−104	−118	−132	−147
50	−4	−18	−33	−47	−62	−76	−91	−105	−120	−134	−148

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Federal Register

Tuesday
February 27, 1990

Part III

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 310

Benign Prostatic Hypertrophy Drug Products for Over-The-Counter Human Use; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 82N-0168]

RIN 0905-AA06

Benign Prostatic Hypertrophy Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing that any benign prostatic hypertrophy drug product for over-the-counter (OTC) human use is not generally recognized as safe and effective and is misbranded. Benign prostatic hypertrophy drug products are used to relieve the symptoms of an enlarged prostate gland. FDA is issuing this final rule after considering public comments on the agency's proposed regulation, which was issued in the form of a tentative final monograph, and all new data and information on benign prostatic hypertrophy drug products that have come to the agency's attention. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 1, 1982 (47 FR 43566), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking that (1) would classify OTC benign prostatic hypertrophy drug products as not generally recognized as safe and effective and as being misbranded and (2) would declare these products to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)). The notice was based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products (Miscellaneous Internal Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by December 30, 1982. Reply comments in response to comments filed in the initial comment period could be submitted by January 31, 1983.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, after deletion of a small amount of trade secret information.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC benign prostatic hypertrophy drug products, was published in the Federal Register of February 20, 1987 (52 FR 5406). Interested persons were invited to file by April 21, 1987, written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs regarding the proposal. Interested persons were invited to file comments on the agency's economic impact determination by June 22, 1987. New data could have been submitted until February 22, 1988, and comments on the new data until April 20, 1988. Final agency action occurs with the publication of this final rule on OTC benign prostatic hypertrophy drug products.

In the preamble to the agency's proposed rule on OTC benign prostatic hypertrophy drug products (52 FR 5406), the agency stated that no benign prostatic hypertrophy active ingredient had been found to be generally recognized as safe and effective and not misbranded, but that Category I labeling was being proposed in that document in the event that data were submitted that resulted in the upgrading of any ingredients to monograph status in the final rule. In this final rule, no benign prostatic hypertrophy ingredient has been determined to be generally recognized as safe and effective for use in OTC drug products intended for relieving the symptoms of benign prostatic hypertrophy. Therefore, proposed 21 CFR part 357, Subpart L for OTC benign prostatic hypertrophy drug products is not being issued as a final regulation.

This final rule declares OTC drug products containing active ingredients for benign prostatic hypertrophy use to be new drugs under section 201(p) of the act, for which an approved application under section 505 of the act (21 U.S.C. 355) and 21 CFR part 314 is required for marketing. In the absence of an approved application, products containing these drugs for this use also would be misbranded under section 502 of the act (21 U.S.C. 352). In appropriate circumstances, a citizen petition to establish a monograph may be submitted under 21 CFR 10.30 in lieu of an application.

This final rule amends 21 CFR part 310 to include drug products containing active ingredients for relieving the symptoms of benign prostatic hypertrophy by adding to subpart E new § 310.532 (21 CFR 310.532). The inclusion of OTC benign prostatic hypertrophy drug products in part 310 is consistent with FDA's established policy for regulations in which there are no monograph conditions. (See, e.g., §§ 310.510, 310.519, 310.525, 310.526, and 310.533.) If, in the future, any ingredient is determined to be generally recognized as safe and effective for use in an OTC benign prostatic hypertrophy drug product, the agency will promulgate an appropriate regulation at that time.

The OTC drug procedural regulations (21 CFR 330.10) now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph. Accordingly, FDA is no longer using the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage, but is using instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III).

In the proposed rule for OTC benign prostatic hypertrophy drug products (52 FR 5406), the agency advised that it would provide a period of 12 months after the date of publication of the final monograph in the Federal Register for relabeling and reformulation of benign prostatic hypertrophy drug products to be in compliance with the monograph. Although one manufacturer submitted data and information in response to the proposed rule, the data and information were not sufficient to support monograph conditions, and no monograph is being established at this time. Therefore, benign prostatic hypertrophy drug products that are subject to this rule are not generally recognized as safe and effective and are misbranded (nonmonograph conditions). In the advance notice of proposed rulemaking (47 FR 43566), the agency stated that if it proposed to adopt the Panel's recommendations that OTC drug products to treat the symptoms of benign prostatic hypertrophy are not generally recognized as safe and

effective and are misbranded, it would propose that these drug products be eliminated from the OTC market effective 6 months after the date of publication of a final rule in the Federal Register. Therefore, because the agency is now adopting the Panel's recommendations and no OTC drug monograph is being established for this class of drug products, on or after August 27, 1990. No OTC drug products that are subject to this final rule may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved application. Further, any OTC drug product subject to this final rule that is repackaged or relabeled after the effective date of this final rule must be in compliance with the final rule regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce.

In response to the proposed rule on OTC benign prostatic hypertrophy drug products, one manufacturer submitted comments. No requests for oral hearing before the Commissioner were received. Copies of the comments received are on public display in the Dockets Management Branch. Additional information that has come to the agency's attention since publication of the proposed rule is also on public display in the Dockets Management Branch.

I. The Agency's Conclusions on the Comments

One manufacturer submitted several animal, in vitro, and clinical studies in support of the safety and effectiveness of the liposterolic extract of sabal for relieving the symptoms of benign prostatic hypertrophy (Ref. 1). The manufacturer also provided a number of references on the historical use of the parent plant sabal (serenoa serrulata or serenoa repens) and stated that sabal has a long history of safe and effective use for this indication (Ref. 2).

The agency recognizes that, in the past, sabal was an official article in the *United States Pharmacopoeia*, 1905 to 1926 (Refs. 3 and 4) and *The National Formulary*, 1926 to 1950 (Refs. 5 through 8). It was also listed in *The Physicians' Desk Reference*, 1948 (Ref. 9) and *Remington's Practice of Pharmacy* (Ref. 10). Currently, it is listed in the *Homoeopathic Pharmacopoeia of the United States*, 1979 (Ref. 11). The agency acknowledges that these historical references show that sabal has been prescribed in the past for urgency, frequency of urination, and excess night urination associated with inflammation of the bladder and enlargement of the prostate gland. It also has been used as a nutritive tonic, in respiratory diseases and digestive disturbances, and as a mild diuretic and sedative in cystitis (Refs. 9, 12, and 13).

The agency has reviewed the animal and in vitro studies submitted and concludes that, while supportive, they are inadequate to establish that the liposterolic extract of sabal is generally recognized as safe and effective as an ingredient in OTC drugs intended for the treatment of the symptoms of benign prostatic hypertrophy. These studies primarily contain data and information on the mode and mechanism of action of the liposterolic extract of sabal. While such information is useful, the studies provides no evidence to establish the effectiveness in humans of OTC benign prostatic hypertrophy drug product ingredients.

In the two human clinical studies submitted, the liposterolic extract of sabal appears to be safe for short-term use. However, the clinical studies do not provide sufficient evidence of effectiveness, i.e., adequate and meaningful clinical improvement to support a labeling claim and the establishment of a monograph for drug products intended to be used for relieving the symptoms of benign prostatic hypertrophy.

The first clinical study is a double-blind, randomized, placebo-controlled clinical trial by Champault et al. (Ref. 14), in which 110 patients with prostatic adenoma were either given the placebo or 320 milligrams (mg) per day (two 80-mg tablets twice per day) of the liposterolic extract of sabal, identified as PA 109. Patients valid for surgery were excluded. In the final assessment, 88 patients (41 in the placebo group and 47 in the treatment group) were included in the study. Efficacy was assessed after 1 month. The objective criteria used were nocturnal frequency, urinary output, and residual urine. The subjective criteria used were dysuria and the patients' opinions. At baseline, the treatment and placebo groups were found to be comparable for each of the parameters assessed. Reported results of the study suggest that patients treated with PA 109 showed a statistically significant improvement, demonstrating an increase in the mean urine volume from 5.35 to 8.05 milliliters per second (mL/sec), reduction in the residual urine from 94.7 to 55.05 mL, and a decrease in the mean number of nocturnal micturitions (night urinations) from 3.12 to 1.69. No statistically significant difference was reported for the placebo for any of the parameters assessed. The placebo group showed only a slight change for the mean urine volume (5.04 to 5.29 mL/sec), the residual urine (91.3 increased to 100 mL), and the mean number of nocturnal micturitions (3.12 to 2.7). The difference between the placebo and treatment groups for all parameters assessed were reported as statistically significant for all values given to extent of less than 10^{-2}.

Although the Champault study suggests that patients treated with PA 109 showed some statistical improvement in the symptoms associated with benign prostatic hypertrophy, the results are not considered clinically significant, i.e., the symptoms continue to exist and the patient is not medically better. The decrease with PA 109 in the mean number of nocturnal micturitions from 3.12 to 1.69, compared to 3.12 to 2.7 for the placebo, may be statistically significant; however, the reduction represents a decrease of actually only 1 micturition, which the agency does not consider to be clinically significant. The reduction in the residual urine from 94.7 to 55.05 mL also appears statistically significant. However, a residual urine value above 50 mL still suggests some obstruction or abnormality of the bladder, possibly secondary to urethral obstruction (Ref. 15) because Hinman and Cox found that the mean volume of residual urine in normal male subjects appears to be 0.53 mL (Ref. 16). Because the resultant residual urine volume values in the study are much higher than the normal population, the reported 55.05 mL results do not indicate a clinically meaningful improvement.

During the course of the Champault study, a long-term open study on tolerance and efficacy was also conducted. The mean assessment period was 14.6 months, ranging in total between 7 and 30 months. The authors initially report that 47 patients received treatment with PA 109, but later indicated that 32 of the 47 patients received treatment with PA 109 and 15 patients received treatment with the placebo. The authors further report that, at 6 months, traces were lost on 3 patients; 4 had been operated on for the condition, and 40 retained a good therapeutic effect. Results reported after 1 year indicate that 37 of the 40 remaining patients available to followup had improved symptoms and efficacy of treatment had remained intact. However, it is not clear from the authors' description of this open study how many of the study participants were in the treatment group and how many were in the placebo group. Because of the inconsistencies of details and inadequate information, no further

assessment of this phase of the study can be made.

The second study by Tasca et al. (Ref. 17) was also double-blind, randomized, and placebo-controlled. In this study, 30 patients with prostatic adenoma in stages I and II were randomly subdivided into two groups and given either placebo or 320 mg of PA 109 in two doses of 160 mg each. The exact length of the study was not given. Of the 30 patients, 27 finished the study. Thus, the evaluation refers to 14 patients treated with PA 109 and 13 treated with placebo. Urinary and uroflowmetric symptomatic data were obtained on each patient before and after treatment and indicate statistical significance for PA 109 when compared to the placebo. The investigators reported that subjective analysis of the results indicated that good results were obtained in 42 percent of patients who received PA 109, while only 15.4 percent of patients who received placebo were rated as "good." Patients treated with PA 109 showed an increase in the mean urine volume from 4.9 to 7.9 mL/sec, an increase in urine flow rate from 12.9 to 16.2 mL/sec, and an increase in volume emptying from 248 to 296 mL. However, an increase in flow rate of 12.9 to 16.2 mL/sec may represent only a slight improvement in clinical symptoms. Normally, males deliver a urine flow rate of 20 to 25 mL/sec. Any flow rate below 15 mL/sec is highly suggestive of obstruction or dysfunction (Refs. 18 and 19). Thus, a flow rate of 16.2 represents only minimal improvement, and the agency does not consider this to be clinically significant.

Champault et al. (Ref. 14) and Tasca et al. (Ref. 17) appear to be small well-controlled clinical trials with some evidence of statistical significance of PA 109 over the placebo. The results of these studies appear to suggest that PA 109 may be useful in providing minimal relief of the symptoms of benign prostatic hypertrophy. The data suggest that the drug probably has an effect that minimally improves the ability to empty the bladder and minimally improves the symptoms of outlet obstruction. However, the agency concludes that the change shown for "before treatment" and "after treatment" with PA 109 in these studies does not reflect an adequate or meaningful clinical improvement for the treatment of the symptoms of benign prostatic hypertrophy. Because the efficacy parameters show only minimum improvement in the treatment groups, the agency considers the results of these studies inadequate to establish effectiveness. Also, there were too few participants in these studies to support general recognition of effectiveness for PA 109. Additional studies are needed with an adequate number of participants in order to establish the effectiveness of PA 109 in relieving the symptoms of benign prostatic hypertrophy.

In addition, a full characterization of what comprises the liposterolic extract of sabal used in the various studies would be necessary in order to describe the ingredient in a drug monograph. Based on the above, the agency concludes that the data and information are insufficient to generally recognize the liposterolic extract of sabal as safe and effective and not misbranded for OTC use as an ingredient in benign prostatic hypertrophy drug products. In addition, there are no well-controlled clinical studies to support general recognition of sabal as safe and effective for this use.

The agency points out that publication of a final rule does not preclude a manufacturer's testing an ingredient. New, relevant data can be submitted to the agency at a later date as the subject of an application that may provide for prescription or OTC marketing status. (See 21 CFR part 314.) As an alternative, where there are adequate data establishing general recognition of safety and effectiveness, such data may be submitted in an appropriate citizen petition to establish a monograph. (See 21 CFR 10.30.)

References

(1) Comment No. LET00001, Docket No. 82N-0168, Dockets Management Branch.

(2) Comment No. CRPT, Docket No. 82N-0168, Dockets Management Branch.

(3) "The Pharmacopoeia of the United States of America," 8th Decennial Rev., United States Pharmacopoeial Convention, J.B. Lippincott Co., Philadelphia, p. 383, 1905.

(4) "The Pharmacopoeia of the United States of America, 9th Decennial Rev.," United States Pharmacopoeial Convention, J.B. Lippincott Co., Philadelphia, pp. 191 and 362, 1916.

(5) "The National Formulary," 5th Ed., American Pharmaceutical Association, The Mack Printing Co., Easton, PA, pp. 45, 46, 96, and 387, 1926.

(6) "The National Formulary 6th Ed.," American Pharmaceutical Association, The Mack Printing Co., Easton, PA, pp. 125, 126, 176, and 317, 1935.

(7) "The National Formulary 7th Ed.," American Pharmaceutical Association, The Mack Printing Co., Easton, PA, pp. 137, 373, and 374, 1942.

(8) "The National Formulary 8th Ed.," American Pharmaceutical Association, The Mack Printing Co., Easton, PA, pp. 457-459, 1946.

(9) Jones, J.M., editor, "Physicians' Desk Reference to Pharmaceutical Specialities and Biologicals," Medical Economics, Inc., Rutherford, NJ, p. 451, 1948.

(10) Cook, E.F., and E.W. Martin, "Remington's Practice of Pharmacy," 10th Ed., The Mack Publishing Co., Easton, PA, pp. 277, 282, and 769, 1951.

(11) "The Homoeopathic Pharmacopoeia of the United States," 8th Ed., The Pharmacopoeia Convention of the American Institute of Homoeopathy, Falls Church, VA, Vol. I, p. 504, 1979.

(12) Sollmann, T., "Irritant Volatile Oils and Related Drugs," *in* "A Manual of Pharmacology and its Applications to Therapeutics and Toxicology," 5th Ed., W. B. Saunders Co., Philadelphia, p. 191, 1936.

(13) Youngken, H.W., "Tanonomic Consideration of Drugs—Drugs of Green Vegetable Origin," *in* "Textbook of Pharmacognosy," 6th Ed., The Blakiston Co., Philadelphia, p. 168-171, 1950.

(14) Champault, G., et al., "Actualite Therapeutique: Traitement Medical De l'Adenome Prostatique," certified translation included, *Annals Urologica*, 6:407-410, 1984.

(15) Griffiths, D.J., and H. Abrams, "The Assessment of Prostatic Obstruction from Urodynamic Measurement and from Residual Urine," *British Journal of Urology*, 51:129-134, 1979.

(16) Hinman, F., and C.E. Cox, "Residual Urine Volume in Normal Male Subjects," *The Journal of Urology*, 97:641-645, 1967.

(17) Tasca, A., et al., "Trattamanto Della Sintomatologia Ostruttiva de Adenoma Prostatico Con Estratto Di Serenoa Repens," certified translation included, *Minerva Urologica e Nefrologica*, 37:87-91, 1985.

(18) Tanagho, E.A., "Neuropathic Bladder Disorders," *in* "General Urology," 9th Ed., Lange Medical Publications, Los Altos, CA, p. 337, 1978.

(19) Whitfield, H.N., and W.F. Hendry, editors, "Textbook of Genito-urinary Surgery," Churchill Livingstone, New York, pp. 412-413, 1985.

II. The Agency's Final Conclusions on OTC Benign Prostatic Hypertrophy Drug Products

The agency has determined that no active ingredient has been found to be generally recognized as safe and effective and not misbranded for use in relieving the symptoms of benign prostatic hypertrophy. Further, the agency has reassessed the position it stated in the tentative final monograph (52 FR 5406 at 5408), and now concludes, as discussed below, that drug products for the relief of symptoms of benign prostatic hypertrophy should not be available OTC.

In the tentative final monograph, the agency proposed Category I labeling for OTC benign prostatic hypertrophy drug products in the event that data were submitted that resulted in the upgrading of any ingredient to monograph status (52 FR 5409). After reviewing and evaluating the available data, the agency placed the amino acids glycine, alanine, and glutamic acid in Category III in that document (52 FR 5408). In

response to the tentative final monograph, no data were received on the amino acids glycine, alanine, and glutamic acid (alone or in combination) to support their reclassification from Category III to Category I.

One manufacturer did submit data on a liposterolic extract of sabal, PA 109. However, as discussed in paragraph I above, none of the studies submitted for PA 109 demonstrated any clinical significance of symptomatic relief of benign prostatic hypertrophy.

At this time, the agency is not aware of any definitive clinical trials with appropriate controls to support effectiveness of these or any other ingredients for OTC use in relieving the symptoms of benign prostatic hypertrophy. The agency finds that surgery is currently the only effective treatment for obstructive benign prostatic hypertrophy. Consequently, after reassessing the potential natural course of the disease condition of benign prostatic hypertrophy, the agency has concluded that OTC benign prostatic hypertrophy drug products labeled for symptomatic relief should not be available. The agency is concerned that "relief of symptoms" alone is not sufficient to ensure the safety and health of individuals with this condition.

Benign prostatic hypertrophy is a condition that causes progressive vesical obstruction to the flow of urine and, in later stages, causes back pressure in the kidneys (hydronephrosis) and contributes to the establishment of infection in the urinary tract (Ref. 1). As prostatic obstruction progresses, about 50 to 80 percent of men will develop unstable bladders with secondary symptoms of frequency, urgency, and urgency incontinence (Ref. 2). Although some of the symptoms (frequency, nocturnal micturition, dysuria) are considered irritative only and may be partially relieved by currently marketed products, other symptoms such as residual urine, which is common in bladder neck obstruction (enlarged prostate), can cause serious complications. Currently, no definitive evidence has been provided to indicate that any drug product offered OTC for the relief of the symptoms of this condition would alter the obstructive or inflammatory signs and symptoms of benign prostatic hypertrophy. For example, although the results of the Champault study discussed above show a statistically significant decrease in the values for residual urine (i.e., 94.7 mL to 55.05 mL), the clinical benefit was not evident because the decrease in residual urine did not result in adequate significant relief of the overall symptom or urine retention. The agency is concerned because chronic urine retention could result in stagnation of urine, which leads to infection. This infection may spread throughout the entire urinary system. Once established, infection is difficult and at times impossible to eradicate even after the obstruction has been relieved. In addition, often the invading organisms are urea-splitting, causing the urine to become alkaline, in which case calcium salts precipitate and form bladder or kidney stones more easily. Secondary infection increases the susceptibility to renal damage (Ref. 3).

In the tentative final monograph, the agency proposed a warning stating, "Because this drug relieves only the symptoms of enlarged prostate without affecting the disease itself, periodic reexamination by a doctor is strongly recommended." (See 52 FR 5406 at 5408.) However, after reevaluating this disease condition, the agency no longer believes that this proposed warning represents adequate labeling. The agency is concerned that, as long as only the symptoms of the condition are relieved, individuals who fear surgery may be lulled into a false sense of security and thus delay reexamination by a physician, resulting in a delay in treatment of the disease. Therefore, the agency believes that providing symptomatic relief without eliminating, arresting, or treating the obstructive causes of benign prostatic hypertrophy will mask the potential of the condition's progression and result in delayed diagnosis of secondary complications, i.e., stagnation of residual urine, urinary tract infection, and potential renal damage.

The agency now concurs with the Panel that benign prostatic hypertrophy drug products are not generally recognized as safe and effective for OTC use and that no ingredient or mixture of ingredients should be available OTC to treat the symptoms of benign prostatic hypertrophy. Therefore, all benign prostatic hypertrophy ingredients, including but not limited to sabal and the amino acids glycine, alanine, and glutamic acid (alone or in combination), which were reviewed by the Panel and the agency, are considered nonmonograph ingredients and misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) and are new drugs under section 201(p) of the act (21 U.S.C. 321(p)) for which an approved application under section 505 of the act (21 U.S.C. 355) and part 314 of the regulations (21 CFR part 314) is required for marketing. In appropriate circumstances, a citizen petition to establish a monograph may be submitted under 21 CFR 10.30 in lieu of an application. Any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce after the effective date of this final rule that is not in compliance with the regulation is subject to regulatory action.

References

(1) Smith, D.R., "Tumors of the Genitourinary Tract," *in* "General Urology," 9th Ed., Lange Medical Publications, Los Altos, CA, p. 284, 1978.

(2) Walsh, P.C., "Benign Prostatic Hyperplasia," *in* "Campbell's Urology," 5th Ed., W.B. Saunders Co., Philadelphia, p. 1259, 1986.

(3) Tanagho, E.A., "Urinary Obstruction and Stasis," *in* "General Urology," 9th Ed., Lange Medical Publications, Los Altos, CA, p. 127, 1978.

The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this final rule for OTC benign prostatic hypertrophy drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC benign prostatic hypertrophy drug products is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, subchapter D of chapter I of title 21 of the Code of Federal Regulations is amended in part 310 as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR Part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 376); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

2. Section 310.532 is added to Subpart E to read as follows:

§ 310.532 *Drug products containing active ingredients offered over-the-counter (OTC) to relieve the symptoms of benign prostatic hypertrophy.*

(a) The amino acids glycine, alanine, and glutamic acid (alone or in combination) and the ingredient sabal have been present in over-the-counter (OTC) drug products to relieve the symptoms of benign prostatic hypertrophy, e.g., urinary urgency and frequency, excessive urinating at night, and delayed urination. There is a lack of adequate data to establish general recognition of the safety and effectiveness of these or any other ingredients for OTC use in relieving the symptoms of benign prostatic hypertrophy. In addition, there is no definitive evidence that any drug product offered for the relief of the symptoms of benign prostatic hypertrophy would alter the obstructive or inflammatory signs and symptoms of this condition. Therefore, self-medication with OTC drug products might unnecessarily delay diagnosis and treatment of progressive obstruction and secondary infections. Based on evidence currently available, any OTC drug product containing ingredients offered for use in relieving the symptoms of benign prostatic hypertrophy cannot be generally recognized as safe and effective.

(b) Any OTC drug product that is labeled, represented, or promoted to relieve the symptoms of benign prostatic hypertrophy is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act), for which an approved application under section 505 of the act and part 314 of this chapter is required for marketing. In the absence of an approved application, such product is also misbranded under section 502 of the act.

(c) Clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted for OTC use to relieve the symptoms of benign prostatic hypertrophy is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs set forth in part 312 of this chapter.

(d) After August 27, 1990, any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Dated: December 18, 1989.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90–4394 Filed 2–26–90; 8:45 am]

BILLING CODE 4160–01–M

Federal Register

Tuesday
February 27, 1990

Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 348

External Analgesic Drug Products for Over-the-Counter Human Use; Amendment of Tentative Final Monograph; Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 348

[Docket No. 78N-301H]

RIN 0905-AA06

External Analgesic Drug Products for Over-the-Counter Human Use; Amendment of Tentative Final Monograph

AGENCY: Food and Drug Administration, NNS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking amending the tentative final monograph (proposed rule) for over-the-counter (OTC) external analgesic drug products. This proposed rulemaking would establish conditions under which products containing hydrocortisone or its hydrocortisone acetate equivalent for topical use in concentrations from 0.25 to 1 percent are generally recognized as safe and effective and not misbranded. FDA is issuing this notice of proposed rulemaking after considering a citizen petition [Docket No. 78N-0301/CP00005] that requested OTC status for products containing hydrocortisone above 0.5 percent up to 1 percent. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments, objections, or requests for oral hearing on the proposed regulation before the Commissioner of Food and Drugs by April 30, 1990. Written comments on the agency's economic impact determination by April 30, 1990.

ADDRESSES: Written comments, objections, or requests for oral hearing to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 4, 1979 (44 FR 69768), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC external analgesic drug products, together with the recommendations of the Advisory Review Panel on OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Prevention and Treatment Drug Products (the Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in these drug classes. Interested persons were invited to submit comments by March 6, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by April 3, 1980.

In the advance notice of proposed rulemaking, the Panel recommended that hydrocortisone and hydrocortisone acetate be categorized as safe and effective for antipruritic use at concentrations of 0.25 to 0.5 percent. The Panel provided a chart of the controlled studies that demonstrated effectiveness of topical hydrocortisone (44 FR 69768 at 69822) and noted that a 1-percent concentration of hydrocortisone was used in a number of these studies.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC external analgesic drug products was published in the **Federal Register** of February 8, 1983 (48 FR 5852). In that tentative final monograph, the agency agreed with the Panel and tentatively concluded that hydrocortisone and hydrocortisone acetate at concentrations of 0.25 to 0.5 percent were safe and effective for the proposed OTC uses and that the benefits of OTC availability outweigh any potential misuse that may occur (48 FR 5854).

Subsequently, the agency received a citizen petition (Ref. 1) containing additional safety and effectiveness data in support of OTC status for 1 percent hydrocortisone and hydrocortisone acetate equivalent to 1 percent hydrocortisone. FDA has evaluated these data and, in this amendment to the tentative final monograph, is stating its position on hydrocortisone 1 percent and hydrocortisone acetate equivalent to 1 percent hydrocortisone for OTC use. Final agency action on this matter will occur with the publication at a future data of a final monograph, which will be a final rule establishing a monograph for OTC external analgesic drug products.

Although the agency is proposing in this amendment to the tentative final monograph to switch hydrocortisone at a concentration above 0.5 percent up to 1 percent and hydrocortisone acetate equivalent to above 0.5 percent up to 1 percent hydrocortisone from their present status as prescription drugs, currently subject to an approved new drug application, to OTC status, OTC marketing may not begin at this time. In the **Federal Register** of June 3, 1983 (48 FR 24925), FDA explained the enforcement policy for drugs that were originally on prescription status but which were being proposed for OTC marketing under the OTC drug review. As noted there, 21 CFR 330.13 permits OTC marketing of a drug previously limited to prescription use prior to publication of a final monograph provided that certain conditions are met. To qualify for such treatment, the drug must, at a minimum, have been considered by an OTC drug advisory review panel and either been recommended for OTC marketing by the panel or subsequently determined by FDA to be suitable for OTC marketing. Hydrocortisone at a 1-percent concentration and above was evaluated by the Panel in its consideration of the prescription-to-OTC switch of hydrocortisone preparations; however, the Panel recommended that the concentration of OTC drug products be limited to 0.25 to 0.5 percent hydrocortisone (44 FR 69768 at 69813 to 69824).

Hydrocortisone 1 percent and hydrocortisone acetate equivalent to 1 percent hydrocortisone were also specifically considered by the Dermatologic Drugs Advisory Committee (the Committee) at its meeting held on November 18, 1985 (Ref. 2), but the Committee did not recommend OTC marketing status because of concerns about adverse reactions not being recognized or reported, inappropriate promotion, credibility of advertising, and appropriate labeling.

FDA concludes that public comments submitted in response to the proposed switch in status should be evaluated before a final agency decision on OTC status is made and before OTC marketing begins. Therefore, hydrocortisone above 0.5 percent up to 1 percent and hydrocortisone acetate equivalent to above 0.5 percent up to 1 percent hydrocortisone do not qualify for early OTC marketing under the terms of the enforcement policy set out in § 330.13. Until the comments to this proposal are reviewed, hydrocortisone above 0.5 percent up to 1 percent and hydrocortisone acetate equivalent to above 0.5 percent up to 1 percent hydrocortisone remain prescription drugs subject to the terms and conditions specified in their approved applications.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 12 months after the date of publication of the final monograph in the

Federal Register. On or after that date, no OTC drug product that is subject to the monograph and that contains a nonmonograph condition, i.e., a condition that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved application. Further, any OTC drug product subject to this monograph that is repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

If the agency determines that any labeling for a condition included in the final monograph should be implemented sooner than the 12-month effective date, a shorter deadline may be established. Similarly, if a safety problem is identified for a particular condition, a shorter deadline may be set for removal of that condition from OTC drug products.

I. Background Information

A. Introduction

Hydrocortisone has been marketed in the United States since 1952 as a prescription drug. On December 4, 1979, FDA's Advisory Review Panel on OTC Topical Analgesic, Antirheumatic, Otic, Burn, and Sunburn Prevention and Treatment Drug Products recommended to the agency that hydrocortisone could be considered safe and effective for OTC use at concentrations of 0.25 to 0.5 percent (44 FR 69768). Based on the Panel's recommendations, the agency allowed OTC marketing of products containing 0.25 to 0.5 percent hydrocortisone to begin on December 4, 1979. During the years of OTC marketing, it has been shown from the experience of consumers and physicians, and from data from clinical investigators, that 0.25- to 0.5-percent concentration of hydrocortisone does not provide the optimal therapy in all individuals for all the conditions for which the drug may be used. It has been suggested that a 1-percent concentration of hydrocortisone would provide a more effective treatment for pruritus and inflammation associated with the conditions listed in the current labeling for the lower concentrations of hydrocortisone and hydrocortisone acetate (i.e., the temporary relief of itching associated with minor skin irritations and rashes due to "eczema," "insect bites," "poison ivy, poison oak, or poison sumac," "soaps," "detergents," "cosmetics," "jewelry," and external "genital," "feminine," and "anal itching"). As a result, FDA has received several requests to amend the tentative final monograph for OTC external analgesic drug products to include 1 percent hydrocortisone and hydrocortisone acetate for OTC use.

B. Petition To Amend Tentative Final Monograph

The citizen petition requesting OTC marketing status for hydrocortisone 1 percent and hydrocortisone acetate equivalent to 1 percent hydrocortisone, as antipruritic active ingredients in cream, ointment, lotion, and spray dosage forms, was submitted on May 26, 1987 (Ref. 3). The petitioner pointed out that, after 7 years of OTC marketing, 0.5 percent hydrocortisone may not provide optimal therapy for the various conditions for which it is indicated, that 1 percent hydrocortisone would be more effective (based on consumer experience and data in the literature), and that risks are estimated to be minimal while benefits would be substantial. The petition discussed the history of hydrocortisone use, its safety and effectiveness, its approval for OTC use in foreign countries, drug experience reports, and the proposed OTC labeling. The petition included extensive data and information from published studies on issues related to the safety and effectiveness of topical hydrocortisone.

In further support of the petition to switch 1 percent hydrocortisone from prescription to OTC status, a manufacturers' association provided additional information (Ref. 4) which it believed would be helpful to the agency in evaluating the citizen petition. The association stated that the additional data provide further support that optimal therapy can be provided by the 1-percent concentration of hydrocortisone and that consumers will not be at any additional risk by the marketing of a more effective product for pruritic conditions indicated on current OTC drug product labels for 0.5 percent hydrocortisone. The manufacturers' association noted that over 130 million OTC units of 0.5 percent hydrocortisone had been bought in this country to date, and most of the negative reports received by manufacturers of these products involved a lack of effectiveness.

After carefully reviewing the safety and effectiveness data and other information submitted, the agency tentatively concludes that they support a proposal to amend the tentative final monograph for OTC external analgesic drug products in 21 CFR part 348 to include concentrations above 0.5 up to 1 percent hydrocortisone and hydrocortisone acetate equivalent to 0.5 to 1 percent hydrocortisone. Accordingly, the agency is publishing this notice of proposed rulemaking to invite public comment on the proposed switch of concentrations of hydrocortisone above 0.5 percent up to 1 percent from prescription to OTC status.

C. The Panel and Committee Deliberations

The Panel's report indicates that the first effort to change hydrocortisone to OTC status occurred in 1956 (44 FR 69768 at 69813). Public hearings were held from August 15 to 17, 1956, to examine a petition request for possible transfer to OTC status. Based on these hearings, the petition was denied in the Federal Register of January 17, 1957 (22 FR 353).

At its January 21, 1975 meeting, the Panel was informed that no one among the physicians contacted had any strong feelings against hydrocortisone being OTC (Ref. 5). At the May 22, 1975 meeting, there was an extended discussion whether the Panel ought to recommend a higher concentration than 0.5 percent (Ref. 6). However, at the March 4 through 5, 1976 meeting, the Panel voted not to approve 1 percent hydrocortisone for OTC status by a vote of 5 to 1 with 1 abstention and approved 0.25 to 0.5 percent hydrocortisone for OTC status by a vote of 6 to 1 (Ref. 7). The Panel's decision at that time was based on the fact that there was no marketing history for hydrocortisone at any concentration for OTC use. At its final meeting on May 22 and 23, 1978, the Panel adopted its report on external analgesic drug products for OTC use, which included its recommendation for 0.25 to 0.5 percent hydrocortisone for OTC status (Ref. 8).

Two other OTC drug advisory review panels proposed 1 percent hydrocortisone for inclusion in OTC drug monographs. The Advisory Review Panel on OTC Miscellaneous External Drug Products (Miscellaneous External Panel) proposed 0.25 to 1 percent hydrocortisone for use (e.g., to relieve itching) on dandruff, seborrheic dermatitis, and psoriasis, but classified the ingredient in Category III because the studies were inadequate to support effectiveness for this use (47 FR 54646 at 54674 and 54675). The Advisory Review Panel on OTC Antimicrobial II Drug Products (Antimicrobial II Panel) recommended combinations of up to three antifungals with hydrocortisone

0.5 to 1 percent for fungal infections of the skin (47 FR 12480 at 12554 and 12555). However, the agency dissented from the Antimicrobial II Panel's recommendation (47 FR 12481).

At the November 18, 1985 meeting of the Dermatologic Drugs Advisory Committee (the Committee) (Ref. 9), the question of whether to switch 1 percent hydrocortisone from prescription to OTC status was discussed. Four physicians spoke in favor of the switch. The reasons given were that most people make rational decisions about home treatment; there had been no toxicity from local absorption, no abuse, no serious local or systemic side effects, and no exacerbation of local infection with 1 percent; that local toxicity resulted only when the drug had been applied for 3 or 4 months; and 0.5 percent products had not been effective for some uses. However, one physician stated the following caveats: the product should not be labeled for use around the eyes or for use on infants and small children. The Committee felt that greater absorption results from these uses with a potential for ocular, cutaneous, and systemic toxicity.

Two physicians (one presenting the position of the American Academy of Dermatology) spoke in opposition to the OTC status of the 1-percent concentration (Ref. 2). They expressed several concerns: (1) consumers would find the 1-percent product more effective than the 0.5 percent and thus tend to use the product for prolonged periods, which would lead to greater absorption and adverse effects, (2) potential use in some products of vehicles that enhance absorption of hydrocortisone, and (3) inappropriate advertising.

On the question of switching 1 percent hydrocortisone from prescription to OTC status, the Committee vote resulted in a tie (4 to 4). Most members felt that the drug was safe and effective. However, there were concerns about adverse reactions not being recognized or reported, inappropriate promotion, advertising credibility, and appropriate labeling (Ref. 9). One committee member pointed out that side effects were not reported because they were minimal and not significant and, therefore, were ignored. Another member would have voted for 1 percent hydrocortisone becoming OTC if there could be assurance about the advertising and labeling issues. Still another member referred to the Panel's opinion that OTC drug products should contain the lowest effective dosages, and pointed out that 0.5 percent hydrocortisone was not effective in most cases in 15 years of practice, implying that 1 percent hydrocortisone was the lowest effective dose.

The Federal Trade Commission (FTC), not FDA, is the agency that has the primary responsibility for regulating OTC drug advertising. However, FDA has the authority to regulate OTC drug advertising that constitutes labeling under the Federal Food, Drug, and Cosmetic Act (the act). See, e.g., *United States* v. *Article of Drug . . . B-Complex Cholinos Capsules*, 362 F.2d 923 (3d Cir. 1966); *V.E. Irons, Inc.* v. *United States*, 244 F.2d 34 (10 Cir.); *cert. denied*, 354 U.S. 923 (1957). In addition, for an OTC drug to be generally recognized as safe and effective and not misbranded, the advertising for the drug must satisfy the FDA regulations in § 330.1(d) (21 CFR 330.1(d)), which state that "The advertising for the product prescribes, recommends, or suggests its use only under the conditions stated in the labeling."

Although the Panel had discussed advertising and promotion of OTC hydrocortisone, its report did not include any statements of concern about either advertising or promotion of such products. The agency has considered the advertising of hydrocortisone-containing drug products over the ten years since these products were first marketed OTC and has not observed any major problems regarding advertising or promotion. The agency has contacted FTC (Ref. 10) and that agency also has not observed any major problems regarding advertising or promotion of OTC hydrocortisone drug products. Based on the above, the agency does not consider hypothetical advertising problems to be sufficient basis to disallow the OTC marketing of drug products containing above 0.5 percent up to 1 percent hydrocortisone.

D. Tentative Final Monograph for OTC External Analgesic Drug Products

The agency included hydrocortisone and hydrocortisone acetate at concentrations equivalent to 0.25 to 0.5 percent hydrocortisone in the tentative final monograph for OTC external analgesic drug products that was published in the Federal Register of February 8, 1983 (48 FR 5852). During the comment period following publication of that proposal, the agency did not receive any comments relating to the switch of 1 percent hydrocortisone to OTC status.

E. Foreign Marketing Experience

The petitioner and the manufacturers' association have indicated that 1 percent hydrocortisone for OTC use has been approved in several foreign countries: Sweden (1983), Denmark (1984), Norway (1985), and Great Britain (1986). In addition, a "switch petition" is currently under review in Germany. Information regarding the basis for approval for OTC marketing in Sweden and Great Britain was provided (Ref. 11).

Hydrocortisone at a maximum strength of 1 percent was switched from prescription-to-OTC marketing status in Sweden on October 1, 1983. However, information was provided to consumers regarding self-medication to help them distinguish between mild and severe disease conditions for which the product would be considered appropriate for use. Swedish drug companies gave information about hydrocortisone drugs in the mass media. The Swedish Board of Health and Welfare developed directives to drug companies giving detailed instructions about the labeling of hydrocortisone. The label indications stated that the drug was only intended for mild eczema, to be used 2 to 3 times a day, and not to be used longer than a week without contacting a physician. Hydrocortisone was not to be used on wounds or near the eyes, and not on children under 2 years of age. Hydrocortisone was available in cream, ointment, powder, solution, and liniment dosage forms. The most suitable dosage form to use depended on the symptoms of the eczema.

It was noted that all drugs in Sweden are distributed through the Apoteksbolaget (a government-owned company for Swedish pharmacies) (Ref. 12). OTC sale of drugs outside of this organization is forbidden. The personnel in the organization were instructed by dermatologists and pharmacists about mild eczema, and written information was distributed to all pharmacy personnel. A pamphlet was developed for customers who wanted to learn more about OTC hydrocortisone. A customer survey (Ref. 12) was undertaken by the Apoteksbolaget and the Department of Social Pharmacy to analyse the effect of OTC use of hydrocortisone 3 months before the October 1, 1983, switch and 1 and 9 months afterwards. The results indicated that misuse of the drug (defined as frequent use) seldom occurred. Six of 104 customers noted skin changes as mild side effects. Opinions of Swedish physicians toward the switch were divided. However, among the dermatologists there was, in general, a positive attitude toward OTC hydrocortisone.

The agency notes that the information regarding Sweden's marketing of 1 percent hydrocortisone without prescription did not include any information on safety and effectiveness considerations. However, the agency

recognizes that Sweden exerts continuing control over the dispensing of OTC drugs by its method of distribution. Also, in addition to labeling instructions, instructions regarding OTC hydrocortisone use were given to individual customers by the government-owned pharmacies. From the information available from Sweden, there appeared to be no problems related to the OTC marketing of 1-percent hydrocortisone products.

Included in the manufacturers' association's submission on foreign marketing was a copy of the Medicines Act Information Letter issued by Great Britain's Department of Health and Social Security (DHHS) to product license holders (Ref. 13). This letter provides detailed information to industry concerning what constitutes an acceptable application. Guidance was provided for companies with an interest in marketing OTC topical hydrocortisone preparations and the following conditions were listed:

(1) Only Hydrocortisone and Hydrocortisone Acetate preparations will be considered;

(2) The maximum strength is 1 percent;

(3) The vehicle must be a cream or ointment;

(4) The suitability of the cream or ointment base and its possible effect on bioavailability of the Hydrocortisone will be considered by the licensing authority. Excipients which significantly increase the bioavailability at the maximum strength will not be suitable;

(5) Evidence of clinical efficacy and/or bioavailability will be required for low strengths or novel formulations;

(6) The only indications are to be irritant dermatitis, contact allergic dermatitis and insect bite reactions. These indications may be worded in advertising and labeling * * *, but the term "eczema" should not be used; "rash" and "dermatitis" would need qualification;

(7) The contraindications should be: use on the eyes/face, anogenital region, broken or infected skin including cold sores, acne and athlete's foot. These contraindications should appear on advertising and labeling * * *;

(8) The product should not be recommended for use on children under 10 years of age without medical supervision;

(9) The product label should carry the following warning: "Do not use in pregnancy without medical advice;"

(10) The dosage instruction should be: "Use sparingly over a small area once/twice a day for a maximum period of one week;"

(11) The labeling must state: "If the condition is not improved, consult your doctor;"

(12) The label should state clearly "Contains Hydrocortisone," except where the product name includes hydrocortisone and appears on the label;

(13) The package size must be between 10 and 15 grams;

(14) Any package insert should be limited to the information required by the Medicines (Leaflets) Regulations 1977. The DHSS will wish, for the time being, to approve all promotional copy.

The agency notes the following differences between FDA's monograph proposals for hydrocortisone (February 8, 1983 and this document) and the practice in Great Britain:

(1) Only cream and ointment dosage forms are allowed in Great Britain; FDA proposes to allow lotion and spray products as well.

(2) Both countries have expressed concern about the effect of bases or vehicles on bioavailability and a need to show clinical effectiveness for low concentrations or unusual formulations. (The agency's conclusions on suitable dosage forms are discussed in Part V. paragraph C. below—*Discussion of Vehicles in Submissions.*)

(3) Great Britain does not propose to allow eczema as an indication, while FDA does.

(4) Great Britain requires advertising and labeling to include contraindications against use on the eyes/face, anogenital region, broken or infected skin, including cold sores, acne, and athlete's foot. FDA proposes to require a label warning to avoid contact with the eyes.

FDA does not include specific contraindications (non-use situations) in the labeling as Great Britain does; FDA handles this by stating the use conditions in the indications for the product. FDA does require when the product is labeled for external genital or feminine itching that it bear a warning stating "Do not use if you have a vaginal discharge. Consult a doctor."

(5) Great Britain recommends that the product not be used on children under 10 years of age without medical supervision; FDA's age limit is not for use on children under 2 years of age.

(6) Great Britain's directions are to use sparingly over a small area 1 or 2 times a day for a maximum period of 1 week; FDA's directions are as follows: Adults and children 2 years of age or older: Apply to affected area not more than 3 or 4 times daily. Children under 2 years of age: consult a physician or doctor. Also, FDA has a warning, "If condition worsens or if symptoms persist for more than 7 days, discontinue use of the product and consult a physician."

As with many drugs, FDA finds the methods of marketing and labeling for OTC hydrocortisone to vary among foreign countries. For example, in Sweden the OTC indication includes "mild eczema," but this term is not allowed in Great Britain. Based upon 10 years of OTC marketing experience of 0.25 to 0.5 percent hydrocortisone in the United States, the agency believes that products containing hydrocortisone at concentrations of 0.25 to 1 percent and hydrocortisone acetate equivalent to 0.25 to 1 percent hydrocortisone may be safely marketed in the United States under existing procedures.

II. Safety

A. Introduction

The agency has reviewed the submitted data as well as the conclusions of the three panels that evaluated the safety of hydrocortisone for OTC use. The agency believes that products containing 0.25 to 1 percent hydrocortisone and hydrocortisone acetate equivalent to 0.25 to 1 percent hydrocortisone are safe for OTC use. Concentrations from 0.25 to 0.5 percent have been marketed OTC in the United States since December 4, 1979, without any major problems occurring, as noted throughout this document.

B. Studies Reviewed by the Panel

The Panel's conclusion that up to 0.5 percent hydrocortisone is safe for OTC use was based in part on its assessment of studies in which concentrations of hydrocortisone of 1 percent or more were used. One of the Panel's conclusions regarding the safety of 0.5 percent hydrocortisone was that percutaneous absorption is minimal and that systemic effects such as those observed after systemic administration are unlikely (44 FR 69768 at 69818). This conclusion is supported by the results of an absorption study conducted by Malkinson (Ref. 14) on the percutaneous absorption of topically applied 2.5-percent hydrocortisone preparations.

Malkinson was unable to demonstrate any absorption of hydrocortisone by normal skin for 5½ to 6 hours after the topical application of a radioactively-labeled 2.5-percent hydrocortisone ointment by using a gas-flow cell that measured the residual radiation at the site of application. Malkinson further reported that there was also no evidence of absorption of the radioactively-labeled 2.5-percent hydrocortisone ointment before or after exposure of the

skin sites to an erythema-producing dose of ultraviolet light. Malkinson stated that it was not surprising that the gas-flow cell was unable to detect any absorption of the ointment by normal skin because the quantitative absorption of this compound is well within the inherent percentage of error of this device. He noted, however, that previous studies had shown that 1 to 2 percent of a topically applied dose of hydrocortisone-4-C^{14} was absorbed by normal skin. Malkinson also demonstrated that skin stripping dramatically increased the amount of absorption of hydrocortisone that could be expected after topical administration.

As additional evidence of the low level of absorption of topically applied hydrocortisone, the Panel cited studies by Smith (Refs. 15 and 16), Fleischmajer (Ref. 17), and Witten, Shapiro, and Silber (Ref. 18). These studies demonstrated no significant systemic effect, i.e., drop in circulating eosinophil count, alteration in plasma or urinary steroids, or changes in blood glucose levels, after the topical application of a preparation containing 2.5 percent hydrocortisone. Smith (Ref. 15) reported no consistent alteration in circulating eosinophil counts after using 6 grams (g) of a 2.5-percent hydrocortisone acetate ointment on eight normal subjects and seven subjects with generalized skin disease. In a subsequent study by Smith (Ref. 16), no significant alteration in urinary 17-ketosteroids or 17-hydroxycorticosteroids as compared to baseline values was demonstrated after the use of 10 g of a 2.5-percent hydrocortisone ointment on eight normal subjects.

Fleischmajer (Ref. 17) reported no clinical side effects directly attributable to treatment and no distinct changes in various laboratory analyses performed during a study of 19 subjects treated twice daily with a 2.5-percent hydrocortisone ointment for periods ranging from 3 to 20 months. The subjects received total doses of hydrocortisone acetate ranging from 8,750 to 95,000 milligrams (mg).

Witten, Shapiro, and Silber (Ref. 18) reported no increase in 17,21-dihydroxy-20-ketosteroid levels in urine and blood after using a 2.5-percent hydrocortisone acetate ointment on six normal subjects and nine subjects with extensive or generalized skin disease. However, the Panel noted that Gemzell, Hard, and Nilzen (Ref. 19) reported an increase in the plasma levels of 17-hydroxycorticosteroids followed by a decrease in circulating eosinophil levels after the application of 200 mg of hydrocortisone in various vehicles to the anterior surface of the body from the neck to the knees in 48 subjects. The authors did not consider these changes significant but suggested that they may be indicative of some general internal effect of hydrocortisone after topical application to the skin.

The Panel conducted a thorough review of the available literature on hydrocortisone and stated that it found no report of the aggravation of cutaneous bacterial, fungal, or viral infection attributable to the topical application of hydrocortisone-containing products (44 FR 69768 at 69817). This review included the 37 efficacy studies cited by the Panel. Of those 37 studies, 31 involved concentrations of hydrocortisone of 1 percent or greater. The Panel did report two cases of secondary infection in patients treated with a 2.5-percent hydrocortisone ointment as part of the Fleischmajer study (Ref. 17). However, Fleischmajer stated that the infections were in areas affected by severe excoriation due to scratching and that the infections promptly cleared after local and systemic antibiotic therapy without any interruption of hydrocortisone therapy.

In another study cited by the Panel, conducted by the Staff of Saint John's Hospital for Skin Diseases and Institute of Dermatology (Ref. 20), the authors reported a few cases of worsening of symptoms due to infection in a study of 708 subjects with various eczemas treated with preparations containing 0.25 to 2.5 percent hydrocortisone or hydrocortisone acetate. The authors concluded, however, that there seemed to be little or no evidence that hydrocortisone ointment positively favors superficial infections.

The Panel also mentioned a multicenter double-blind study by Carpenter et al. (Ref. 21) in which a product containing clioquinol (formerly known as iodochlorhydroxyquin) and 1 percent hydrocortisone was compared to the individual components in the treatment of subjects with acute dermatitis complicated by secondary bacterial or fungal infection. Carpenter et al. found no evidence of the exacerbation of infection in the 68 subjects who received the 1-percent hydrocortisone component.

The Panel's extensive review of the literature revealed no evidence of local changes in the skin such as striae formation or telangiectasia (a vascular lesion formed by the dilation of a group of small blood vessels) directly attributable to the topical application of 1 percent hydrocortisone. The Panel also found there was a low incidence of allergic reactions.

C. Systemic Effects and Risk of Superinfection

The agency has also conducted an extensive review of the data submitted to demonstrate the comparative efficacy of 0.5 and 1 percent hydrocortisone as well as the efficacy studies submitted to the Panel in which concentrations of 1 percent hydrocortisone or more were used. While evaluating the efficacy data, the agency also looked to see whether the studies showed possible systemic effects or a worsening of symptoms due to infection resulting from the application of topical hydrocortisone products. Based on this review, as discussed below, the agency concludes that the likelihood of systemic toxic effects or an increased risk of infection due to the topical application of 1 percent hydrocortisone or hydrocortisone acetate is quite small.

In a study by Robinson, Robinson, and Strahan (Ref. 22) using concentrations of hydrocortisone or hydrocortisone acetate of 0.5, 1.0, and 2.5 percent in 1,655 subjects with various dermatitides, there was no evidence of serious side effects or systemic toxic reactions. A similar conclusion was stated by Robinson and Robinson (Ref. 23) in a followup study using 1 and 2.5 percent hydrocortisone and hydrocortisone acetate concentrations, other steroids, and other salts of hydrocortisone on 2,542 subjects with steroid sensitive dermatitides. Sulzberger and Witten (Ref. 24) treated 252 subjects with selected dermatitides with various ointments containing hydrocortisone 1 and 2.5 percent and reported that the topical application did not produce any clinical evidence of adverse systemic effects. Cahn and Levy (Ref. 25) also reported no manifestation of systemic toxicity in a study that included the application of 1.0 percent hydrocortisone to 58 subjects in the treatment of a variety of common dermatoses.

In a study by Mullins and Hicks (Ref. 26) comparing the effectiveness of 1- and 2.5-percent hydrocortisone preparations in 100 subjects with selected dermatitides, the authors reported that there were no untoward systemic absorption effects in any of the subjects. Kalz, McCorriston, and Prichard (Ref. 27) observed 581 subjects with multiple dermatitides treated with preparations containing 1 to 2.5 percent hydrocortisone and noted no evidence of systemic effects due to the absorption of hydrocortisone. However, they observed the development of follicular pustules and boils in the areas treated in four of the patients included in their

study. Polano (Ref. 28) also reported no untoward side reactions in a study comparing 1 percent hydrocortisone to other treatments in 245 subjects with a variety of dermatitides.

In a study involving 259 subjects with various dermatitides, Howell (Ref. 29) reported no evidence of percutaneous absorption from a 1- or 2.5-percent hydrocortisone ointment. Howell also noted that six subjects with chronic allergic (atopic) eczema included in the study had practically generalized involvement and that the ointment was applied over extensive areas of the body for as long as 2 months without any untoward effect. Portnoy (Ref. 30) noted no cutaneous or systemic reactions in any of 129 subjects with pruritus ani, pruritus vulvae, infantile eczema, contact dermatitis, and flexural prurigo who were treated with 0.1 percent 9α-fluorohydrocortisone or 1-percent hydrocortisone ointment. Warin (Ref. 31) reported no tendency to secondary infection or systemic effects in treating 40 infants and children suffering from infantile eczema with 1 or 2.5 percent hydrocortisone acetate.

Infectious complications occurred in 9 (2.23 percent) out of the 402 subjects with chronic dermatitides who were treated with 1.0 and 2.5 percent hydrocortisone or hydrocortisone acetate in a study by Welsh and Ede (Ref. 32). However, these secondary infections were easily controlled with topical antibiotics. The authors considered this a low incidence of secondary infection and concluded that based on these results and the known sensitizing properties of antibiotics, that it is inadvisable to use hydrocortisone with a topical antibiotic as a regular therapeutic approach. In a study of 1 and 2.5 percent hydrocortisone by Russell et al. (Ref. 33), one out of the 132 subjects developed a secondary infection. This subject, who was being treated for otitis externa, experienced an increase in swelling and exudation of the ears shortly after treatment was begun with the hydrocortisone ointment. The patient's eyes also became swollen. Culture revealed *Staphylococcus pyogenes, Streptococcus haemolyticus,* and *Pseudomonas pyocyanea.* Patch tests with hydrocortisone and the vehicle were negative.

The observations of these investigators indicate that even under the exaggerated conditions of use (relative to OTC use) found in these studies, the risk of systemic effects or an increased incidence of secondary infections following the use of topical 1 percent hydrocortisone or hydrocortisone acetate is minimal. No systemic effects were noted in any of these studies. While some cases of secondary infection have been reported, they do not appear to be of a serious nature. The agency believes that these potential risks would be further diminished under the proposed label limitations of OTC use, i.e., a 7-day maximum treatment period on minor skin irritations with a warning to discontinue use of the product and consult a doctor if the condition worsens, or if symptoms persist for more than 7 days or clear up and occur again within a few days. These warnings were proposed in § 348.50(c)(1)(iii) of the tentative final monograph for OTC external analgesic drug products (47 FR 5852 at 5868).

D. Sensitization and Irritation Potential of Hydrocortisone

Few cases of sensitization or irritation due to the topical application of hydrocortisone or hydrocortisone acetate have been reported in clinical studies involving over 6,000 subjects (Refs. 20, 22, 24, 25, 26, 27, and 32 through 40). Rather, patch testing, when done on subjects who had exacerbation of symptoms during treatment, showed reactions for the most part to be due to local irritations from ingredients in the vehicle or base (e.g., lanolin), and not to hydrocortisone or hydrocortisone acetate ((Refs. 20, 22, 32, 33, 37, and 38). However, there have been some verified reports of allergic sensitivity to hydrocortisone or hydrocortisone acetate.

Coskey (Ref. 41) reported two cases of allergic reactions in subjects with otitis externa whose conditions were aggravated by the application of topically applied preparations containing 1 percent hydrocortisone. Patch tests conducted on these subjects revealed a sensitivity to hydrocortisone. Coskey stated that it was difficult to explain why one subject was sensitive to hydrocortisone alcohol but not to hydrocortisone acetate. Coskey theorized that the subjects may have been sensitive to one of the precursors of hydrocortisone (e.g., 21-diol acetate), but this could not be determined because patch tests for these substances were not available. Edwards and Rudner (Ref. 42) reported a case that was interpreted as an example of pure hydrocortisone sensitivity in an atopic subject treated for a weeping eczematous dermatitis of the feet with a 1-percent hydrocortisone cream. A patch test ruled out all components of the suspected product except for the pure hydrocortisone powder. Kooij (Ref. 43) reported a case of sensitivity to hydrocortisone in a subject with weeping eczema of the face and hands whose condition worsened after treatment with a 1-percent hydrocortisone ointment. Positive patch test results were obtained with several brands of hydrocortisone preparations (ranging from 0.5- to 1.5-percent concentration) and to a pure solution of 6 percent hydrocortisone succinate in water. Kooij concluded that, based on these results, it could be assumed that this was a case of hypersensitivity to a pure hydrocortisone compound.

Alani and Alani (Ref. 44) performed a series of routine patch tests to study the incidence of cortisone and other corticosteroid sensitivity. Tests were performed on 1,835 subjects with contact dermatitis. A retrieval search for subjects with allergic contact dermatitis suspected of being sensitive to steroid creams was also performed. The 17 subjects obtained from the retrieval search were also tested with the routine patch test series. Included in the test were purified preparations of hydrocortisone and hydrocortisone acetate, two proprietary preparations, two mixtures of hydrocortisone and hydrocortisone acetate by two different manufacturers, various brands of hydrocortisone and hydrocortisone acetate, and two brands of prednisone. Concentrations of hydrocortisone and hydrocortisone acetate used in the patch tests were 10, 15, and 25 percent. All subjects who showed sensitivity by patch testing to cortiscosteroids were subsequently patch-tested with supplemental patch tests that included previously-used topical steroids and all other constituents of the suspected offending steroid cream. The consecutive routine patch test revealed six subjects (0.3 percent) who gave positive reactions to two mixtures of hydrocortisone and hydrocortisone acetate of two different brands. Alani and Alani concluded that based on the negative reactions among 1,835 consecutive subjects, irritant reactions are rare. However, they stated that they expected the incidence of corticosteroid sensitivity to increase due to the tendency of higher concentrations of steroids in proprietary preparations. The incidence of sensitivity reactions in this study from Sweden is apparently higher than the incidence observed in the clinical studies discussed below. This may in part be due to differences in European and United States drug product formulations and the lack of patch testing with the chemical precursor in the synthesis of hydrocortisone acetate, 21-diol acetate. For example, in a European study, Church (Ref. 45) demonstrated that five

cases of apparent sensitivity to an ointment containing hydrocortisone acetate were actually due to 21-diol acetate that was present in the product in small amounts as a contaminant, apparently left over from the manufacturing process.

In the clinical study conducted by Robinson, Robinson, and Strahan (Ref. 22) involving 1,655 subjects, no serious cutaneous reactions were observed. The majority of the local reactions noted was due to local irritative phenomena and not primarily to sensitization. Further, the more complicated the product base was, the higher the percentage of reactions. Local irritations were noted in 81 individuals, who were patch tested with the vehicle minus the steroid. In each instance, the irritation was due to the vehicle in which the active ingredient was dispensed. Two subjects with acne vulgaris developed numerous new follicular lesions following the application of 1.0-percent hydrocortisone acetate greaseless cream, but no other reactions that could be attributed to the local application of the steriod occurred in any of the subjects. Two subjects, treated with an oily base containing lanolin, developed erythema at the site of application. Patch tests on both of these individuals were positive for lanolin.

In another study by Robinson and Robinson (Ref. 34) involving 418 subjects treated with concentrations of 0.5, 1.0, and 2.5 percent hydrocortisone and hydrocortisone acetate in several different vehicles, two subjects with acne vulgaris developed numerous new lesions after the application of a 1.0-percent hydrocortisone acetate greaseless cream. The authors stated that this was the only adverse reaction that could be attributed to the primary ingredient in the cream. Thirty-eight subjects (treated with three different hydrocortisone preparations) developed mild adverse reactions as evidenced by a moderate increase in erythema and itching. However, the authors concluded that any evidence of local sensitivity was invariably caused by the base in which the drug was dispensed.

Rattner (Ref. 35) reported in a study of 1,200 subjects with various dermatological conditions, who were treated with concentrations of hydrocortisone or hydrocortisone acetate of 0.5, 1, and 2.5 percent, that neither the acetate nor the free alcohol proved irritating and that both caused only a localized action. In another report (Ref. 20), 22 (approximately 3 percent) of the 708 subjects treated with hydrocortisone or hydrocortisone acetate experienced a worsening of their eczematous lesions. Patch testing revealed no hypersensitivity to hydrocortisone, but occasional intolerance to all available hydrocortisone products was demonstrated.

Malkinson and Wells (Ref. 36) reported that irritation occurred in 4 of 71 subjects with various superficial inflammatory dermatoses who were treated with an ointment containing 2.5 percent hydrocortisone acetate. However, the authors further reported that no evidence of allergic sensitivity to hydrocortisone was demonstrated. Russell et al. (Ref. 33) reported no cases of sensitization in 132 subjects treated for various dermatological conditions with an ointment containing hydocortisone 1 or 2.5 percent or the ointment vehicle. Three subjects abandoned treatment due to a worsening of symptoms. Two of these were either sensitive to the vehicle or one of its constituents, and the third abandoned treatment apparently in response to a secondary infection. One subject who complained that the ointment "burned" was using the vehicle. Another subject complained of a fresh outcrop of vesicles after applying the hydrocortisone ointment for three days. Patch tests conducted with the hydrocortisone ointment and the vehicle were negative. However, when patch testing was carried out with the separate constituents of the vehicle, a positive reaction was obtained to propylene glycol.

Rein (Ref. 37) reported that 4 of 131 subjects experienced a flare-up of their dermatitides after the use of hydrocortisone acetate ointment. Patch tests on these subjects conducted with the free alcohol, the acetate, and the base all gave negative reactions.

Friedlaender and Friedlaender (Ref. 38) reported that the dermatitis became worse in 9 (5.6 percent) of 159 subjects following the use of one of various hydrocortisone or hydrocortisone acetate ointments or hydrocortisone acetate/neomycin combinations. Sensitization to hydrocortisone, hydrocortisone acetate, or neomycin could not be demonstratred in any of these subjects. Six subjects were felt to be sensitive to the oinment base used as determined by patch tests or repeated applications of the base ointment to areas of the dermatitis and uninvolved skin. Three subjects were determined to be sensitive to the wool-fat base. Two subjects were felt to be sensitive to petrolatum, while two subjects appeared to be irritated due to the use of an ointment during an acute phase of their dermatitis. One subject showed aggravation and progression of poison ivy lesions after extensive local application of hydrocortisone in both types of ointment bases. Patch tests performed several weeks after the complete subsidence of the dermatitis failed to reveal any evidence of specific sensitization. Further, the subject was given the ointments to rub into the skin daily for several weeks and no irritation resulted. The authors felt that "the aggravation noted was due to primary irritation by an ointment in an acute phase of a dermatitis which ordinarily would be treated by bland local therapy such as compresses, colloid baths, and shake lotions." The cause of the aggravation of symptoms was not determined in one subject.

Welsh and Ede (Ref. 32) reported that 3 of 402 subjects with chronic dermatitides had reactions to 1.0 or 2.5 percent hydrocortisone acetate. However, in subsequent patch tests, the reactions proved to be due to the ointment base and not to hydrocortisone. Kalz, McCorriston, and Prichard (Ref. 27) reported 12 instances of irritation or exacerbation of the skin condition treated in 581 subjects. The ointment base rather than the hydrocortisone acetate (1 to 2.5 percent) was found to be responsible in all cases. The carbowax base was the offending agent in most instances, either because of its drying properties or allergic sensitization. Petrolatum and oily cold creams were not well tolerated in some cases because of their oily and heavy consistency.

Brodthagen (Ref. 39) reported several instances of exacerbation of symptoms in 195 subjects treated with a 2-percent hydrocortisone acetate ointment. However, this exacerbation generally subsided under continued treatment. In three of these subjects, an eczema test was performed with the ointment with negative results. Sulzberger (Ref. 40), in a symmetrical pared comparison of 9α-fluorohydrocortisone to hydrocortisone in the treatment of 82 subjects with assorted dermatitides, reported that no instances of allergic sensitization were observed following the topical application of any of the hydrocortisone derivatives. Sulzberger and Witten (Ref. 24) reported no cases of allergic sensitization directly attributable to the 1.0 and 2.5 percent hydrocortisone acetate or the hydrocortisone free alcohol ointments used to treat 252 subjects. The authors reported that they had not observed any instances of allergic sensitization even after prolonged use and predicted that the sensitization index for these ingredients would be very low. Mullins and Hicks

(Ref. 26) similarly reported no evidence of primary irritation or sensitization during treatment of 100 subjects with 1 and 2.5 percent hydrocortisone acetate. Cahn and Levy (Ref. 25) reported that there were no manifestations of local hypersensitivity in 58 subjects who applied 1.0 percent hydrocortisone to various dermatoses.

E. Local Effects of Hydrocortisone

Localized dermal effects such as skin atrophy, striae, or telangiectasia that have been observed following topical use of more potent fluorinated steroids have rarely been reported following topical application of a hydrocortisone. In addition to the case report of a woman who developed atrophy with telangiectasia of the eyelid skin following topical application of a hydrocortisone preparation to her eyelids for "several years" as a cosmetic (Ref. 46), which was cited by the Panel (44 FR 69768 at 69817), the agency has identified only one other similar report in the literature. Guin (Ref. 47) reported atrophy of the skin and telangiectasia of the eyelids in two women who had used preparations containing 1 percent hydrocortisone for periods of 12 and 4 months, respectively. The agency is not aware of any studies or case reports of skin atrophy occurring with hydrocortisone under conditions of OTC use as proposed in the tentative final monograph for OTC external analgesic drug products (48 FR 5852 at 5868).

Smith, Wehr, and Chalker (Ref. 48) used a bioassay method to evaluate the adverse effects (including skin atrophy and telangiectasia) of nine topically applied corticosteroids, which included 1.0-percent hydrocortisone cream. A topical application of 0.1 g of the cream was applied to a shaved midposterior lateral area of the back of young Sprague-Dawley rats for 28 days. The animals were weighed twice weekly and evaluated for telangiectasia. On day 28 of the study, the animals were sacrificed and the skin thickness was determined by lifting a skin fold and measuring the double skin-fold thickness with a micrometer with a potential accuracy of 0.0001 inch. The authors found no evidence of telangiectasia in any of the rats treated with the 1.0-percent hydrocortisone, while the other eight corticosteroids produced mild to severe telangiectasia. The authors concluded that the weight gain correlated well with skin thickness and that 1.0 percent hydrocortisone (and 0.1 percent betamethasone valerate) had the least effects on weight gain and double skin thickness as compared with controls.

Other data in humans, in which sophisticated techniques were used to measure changes in skin thickness, support the safety of 1 percent hydrocortisone for OTC use. James, Black, and Sparkes (Ref. 49) studied the localized dermal effects of 4 test steroids in 20 normal adult males 25 to 40 years of age. The test steroids were 0.0125-percent flurandrenolone cream, 0.05-percent clobetasone butyrate cream, 0.1-percent hydrocortisone 17-butyrate cream, and 1-percent hydrocortisone cream. The control steroid used was 0.025-percent fluocinolone acetonide cream. Volunteers were asked to rub a standard amount of the control and test steroids into an outline area of the middle one-third of the radial aspect of contralateral forearms twice daily for 3 months. Radiographs of the forearm skin were taken before application and at monthly intervals for 3 months. The authors reported that at 3 months significant atrophy was seen in 14 of 19 subjects using fluocinolone acetonide, 3 of the 5 subjects using clobetasone butyrate, all of the 5 subjects using hydrocortisone 17-butyrate, 1 of 4 subjects using flurandrenolone, and none of the 5 subjects using 1-percent hydrocortisone cream.

A double-blind, half-side study by Black, Platt, and Mugglestone (Ref. 50) compared dermal atrophy in 29 healthy male volunteers using various steroid preparations: 0.75 percent fluocortin butylester, 0.05 percent clobetasone butyrate, 1 percent hydrocortisone acetate, and the base placebo creams. Each volunteer was instructed to apply a 1 centimeter (cm) length of the cream being used to a clearly defined area on each forearm twice daily for a period of 8 weeks. The skin thickness at the site of application was determined by a modified radiographic technique immediately prior to the first application of the creams and again after the eighth week of application. Clinically significant skin thinning occurred in 3 of the 10 subjects treated with clobetasone butyrate, and atrophy of a marginal significance occurred in 1 of the 29 subjects treated with fluocortin butylester. Only 1 of 10 subjects treated with a 1-percent hydrocortisone cream experienced a statistically significant increase in skin thickness. However, the authors judged this increase not to be clinically significant. The remaining nine subjects treated with 1-percent hydrocortisone cream had no significant difference between the initial and post-treatment skin thickness.

Snyder and Greenberg (Ref. 51) also used a double-blind comparative methodology to study the effects of chronic usage of commercially prepared formulations of a 1-percent hydrocortisone cream, a 0.1-percent triamcinolone acetonide cream, and a placebo cream. Five dermatologically normal male and female volunteers were randomly assigned coded creams and instructed to apply each cream to an appropriately demarcated area on the volar forearm three times a day. A small amount of each cream was rubbed into an area of approximately 8 square centimeters (cm^2) and the excess was removed by blotting. No more than two creams were applied to each forearm. Daily treatment continued without exception for 12 weeks at which time all treatments ceased. Skin thickness of the test area was measured by soft tissue X-ray techniques. After approximately 2 months of treatment with the 0.1-percent triamcinolone acetonide cream, all subjects showed clinical signs of skin atrophy. At no time during the 12-week treatment period did the 1-percent hydrocortisone or placebo treated sites show any clinical signs of atrophy. The average percent decreases in skin thickness measured after 8 weeks of treatment were 6 percent for the placebo and hydrocortisone test sites and 17.1 percent for the triamcinolone acetonide cream test sites. The authors reported that, based on a matched-pair comparison test, the difference in skin thickness between triamcinolone acetonide and 1-percent hydrocortisone treatment was significant at $0.1 > p > 0.05$ and that there was no significant difference in skin thickness between skin treated with hydrocortisone and placebo cream. During the first week after cessation of treatment, the clinical appearance of the skin began to improve and by 1 month all treated areas had essentially returned to pretreatment thickness.

In a double-blind controlled investigation by Tan, Marks, and Payne (Ref. 52), 48 healthy adult male and female volunteers were randomly assigned to treatments of 2 of 6 preparations (1 for each forearm). The treatments were two of the following applied to the flexor aspect of the forearm twice a day: The cream base, a 1-percent hydrocortisone cream, a 0.1-percent hydrocortisone 17-butyrate cream, a 0.05-percent clobetasone butyrate cream, a 0.1-percent betamethasone 17-valerate cream, and a 0.05-percent clobetasol propionate cream. A one centimeter extrusion of the cream was applied to a defined area measuring 10×5 cm and the area was not washed for at least 1 hour after application. The total amount of cream applied to each area over the 6-week

treatment period was approximately 30 g.

Both xeroradiographic and pulsed ultrasound techniques were used to measure skin thickness before and after 6 weeks of treatment. Measurements using the ultrasound technique were also made at days 2, 4–5, 8–9, 14–16, 28–30, and 42–44, and at 4 weeks after cessation of treatment. Dermal thinning of 4 to 5 percent could be detected by ultrasound measurement as early as 2 days after treatment with betamethasone 17-valerate and clobetasol propionate. Dermal thinning in the hydrocortisone group was 13 percent as measured by ultrasound and 7 to 8 percent measured by the radiographic technique. The placebo group showed 9 percent dermal thinning using ultrasound measurements and 4 percent using the radiographic technique. Overall, the degree of dermal thinning was greater as measured by the ultrasound technique than when measured by the radiographic technique. The authors found that an analysis of variance comparing the dermal thinning induced by the 1-percent hydrocortisone cream versus the base from data derived from both techniques did not reach the nominal $p=0.05$ level of statistical significance. Recovery from dermal thinning, to 91 to 96 percent of the pretreatment values, was apparent in all treatment groups 4 weeks after cessation of therapy.

Kirby and Munro (Ref. 53) studied the effects on mice and humans of several different steroid preparations commercially available in the United Kingdom. Included in both segments of the study was 0.1 percent hydrocortisone incorporated in a water miscible base. In the human portion of the study, 0.05 milliliter (mL) of the test preparation was applied to a well defined area of the forearm of two groups (Groups I and II) of normal adult volunteers and covered by an occlusive dressing. In Group I, the site of application was not varied. In Group II, the site of application on the forearm was varied. Changing sites did not produce statistically significant differences between right or left arm, proximal or distal placement on the same side.

Skin-fold thickness measurements were made at points on the flexor of the forearm before the initial application of the test preparations and repeated at 7-day intervals for 2 weeks. The dressings were renewed after each of the measurements taken at weeks one and two. After one week all compounds tested produced thinning skin in both groups. Two week measurements showed a further decrease in skin thickness on the corticosteroid treated sites in Group I while the two week measurements in Group II showed a varied response, with some preparations (including 0.1 percent hydrocortisone) showing an increase in thickness beyond the first week's readings. Among the steroids tested, the 0.1-percent hydrocortisone preparation produced less thinning than any of the other steroid preparations tested in the two groups, but more thinning than the placebo. However, it is unclear from the study to what extent the base for the 0.1-percent hydrocortisone product resembled the placebo used in the study. Because other investigators (Refs. 51 and 52) have demonstrated that the base can produce dermal thinning of its own that is comparable to that demonstrated by the 0.1-percent hydrocortisone in this study, the conclusion that the observed dermal thinning is attributable to the hydrocortisone content of the preparation is in doubt. Recovery of thinning was noted within two weeks with three of the preparations tested, including the 0.1-percent hydrocortisone preparation.

In summary, the studies conducted on humans on the effects of these corticosteroids on skin thickness show that prolonged use without occlusion of 1 percent hydrocortisone for periods of up to 11 weeks does not produce changes in skin thickness that are statistically or clinically significant from the control base. Moreover, these studies demonstrate that what changes do occur readily reverse themselves after cessation of treatment. These findings also indicate that the occasional case reports of skin atrophy that have appeared in the literature result from the use of hydrocortisone preparations on susceptible areas of the body well in excess of the recommended period of use in the proposed OTC labeling for products containing this ingredient. Based on the above studies, the agency believes that the risk of skin atrophy, striae, and telangiectasia is small within the recommended period of use being proposed for OTC drug products containing up to 1 percent hydrocortisone.

F. Rebound Potential

The Miscellaneous External Panel in its review of hydrocortisone stated that there is a rebound effect, i.e., a return of symptoms more severe than those experienced prior to treatment, when therapy with fluorinated corticosteroids is gradually discontinued (47 FR 54646 at 54675). The Panel further stated that it was not known whether this effect may occur with hydrocortisone preparations of higher than 0.5 percent. However, a review of the published literature reveals only descriptions of relapse of symptoms upon discontinuance of hydrocortisone therapy at concentrations greater than 0.5 percent and no tendency for rebound.

Heilesen, Kristjansen, and Reymann (Ref. 54) reported that relapse occurred in the majority of 25 subjects suffering from anogenital eczema when withdrawal of 1-percent hydrocortisone therapy was attempted. However, the authors pointed out that several of these subjects had symptoms for 10 to 15 years before the study and had been resistant to the dermatologic treatments generally employed. Relapse was also reported in one subject with nummular eczema. Treatment of this subject with hydrocortisone produced a rapid regression of symptoms that was followed by a prompt relapse of symptoms upon transition to therapy with the ointment base alone. However, the authors further reported several cases in which no relapse occurred. One subject with neurodermatitis of 10 years standing was able to do without hydrocortisone treatment for a month without experiencing a relapse, and two other subjects with neurodermatitis needed only to apply the hydrocortisone ointment at intervals of several days.

In their study of 1,655 patients, Robinson, Robinson, and Strahan (Ref. 22) noted that in most instances continued applications of hydrocortisone free alcohol and hydrocortisone acetate in concentrations of 0.5, 1.0, and 2.5 percent were necessary to maintain the relief of symptoms of atopic dermatitis, neurodermatitis, allergic contact dermatitis, stasis dermatitis, and pruritus ani and vulvae. Relapses occurred when the applications were discontinued. However, the authors also stated that when the eruption or symptoms had completely subsided it was possible in the majority of subjects to reduce the frequency of applications to once daily or once every other day.

The staff of Saint John's Hospital (Ref. 20) reported that complete clearing of symptoms without relapse was uncommon (6 percent) in the 100 patients treated for atopic eczema with concentrations of hydrocortisone and hydrocortisone acetate ranging from 0.25 to 2.5 percent. The authors further reported that in 86 subjects suffering from discoid eczema, relapse occurred regularly on withdrawal of hydrocortisone therapy. Kalz, McCorriston, and Prichard (Ref. 27) similarly reported that short remissions were induced in many subjects treated

for atopic dermatitis with a 1- or 2.5-percent hydrocortisone ointment, but that some relapses occurred after several weeks. In some instances, the relapses were not well controlled by the 1-percent hydrocortisone ointment and the 2.5-percent ointment was required. Brodthagen (Ref. 39) also observed relapses during and after treatment of subjects suffering from a variety of dermatitides with a 2-percent hydrocortisone acetate ointment. However, Brodthagen reported that the relapses were rarely as severe as the original eruptions and, as might be expected, the frequency of relapse is the highest after the shortest period of treatment.

The above data demonstrate that hydrocortisone and hydrocortisone acetate provide only a temporary control of symptoms for certain types of skin conditions and that a relapse of symptoms can occur when treatment with concentrations of 0.5 percent or greater of these ingredients is stopped. However, the data further demonstrate that in those cases where hydrocortisone therapy does not effect a cure but is only used to provide symptomatic relief, no rebound of symptoms upon cessation of therapy would be expected. With regard to the possibility of a relapse of symptoms when the use of OTC drug products containing hydrocortisone or hydrocortisone acetate is stopped, the agency believes that the risk to consumers is minimal. The studies where relapse was reported involved subjects with dermatological disorders more severe than the indications proposed for hydrocortisone-containing products in the tentative final monograph for OTC external analgesic drug products (48 FR 5852 at 5868). Moreover, the agency believes that consumers who experience a relapse of symptoms are provided adequate guidance by the proposed warning in § 348.50(b)(7), which warns against further use of these products without first consulting a physician when symptoms clear up and occur again in a few days.

G. Adverse Drug Reactions

The agency has reviewed a summary listing of adverse drug reactions reported for single entity hydrocortisone drug products (both prescription and OTC) to its Spontaneous Reporting System for the years 1970 through 1989 (Ref. 55). This summary listing includes 724 reports of adverse drug reactions to these products. Of these reports, 207 relate to adverse drug reactions associated with the topical use of hydrocortisone or hydrocortisone acetate containing drug products in varying concentrations from 0.25 to 2.5 percent. Virtually all of the reported reactions related to the use of these products are of a topical nature, with contact dermatitis (61 reports), allergic reaction (48 reports), rash (33 reports), application site reaction (23 reports), and pain and pruritus (29 reports) being the most frequently reported reactions. A review of the corresponding case reports for these reactions (Ref. 56) indicates that the reactions reported for drug products containing 0.5 and 1 percent hydrocortisone or hydrocortisone acetate are similar and that use of the higher 1-percent concentration does not appear to result in more severe reactions. None of these reports indicate that disability or death occurred as an outcome to these reactions.

Two case reports (Refs. 57 and 58) indicated hospitalization occurred as an outcome of reported reactions associated with the use of an OTC drug product containing 0.5 percent hydrocortisone acetate. Although not indicated by the case report for the reaction (Ref. 59), the agency was subsequently informed of a third hospitalization associated with the use of the same OTC hydrocortisone product (Ref. 60). However, the agency notes that in each case the product was not used according to the indications currently proposed in § 348.50(b)(3) (i) and (ii) of the tentative final monograph for OTC external analgesic drug products (48 FR 5852 at 5868), which states that these products are indicated for the temporary relief of itching associated with minor skin irritations and rashes due to minor conditions such as eczema, insect bites, or poison ivy. Two of the reports (Refs. 57 and 58) involved an exacerbation of an existing infection while the third report (Refs. 59 and 60) involved an incidence of bullious erythema multiforme associated with the use of the hydrocortisone product under a band aid on a scratch and a blister. The physician reporting this reaction commented that the precise etiology of his patient's rash was never determined and that the patient had reported a preceding respiratory reaction, which could not be ruled out as the cause of the rash (Ref. 59.)

The agency notes that the majority of the reported reactions appears to be the result of irritancy or sensitivity resulting from use of the products. In a few cases, the cause of the reaction is confirmed by patch testing with the individual components of the product. In the majority of the instances where patch tests were performed using the components of the product, sensitivity or irritation due to one or more of the excipients included in the product was demonstrated (Ref. 61). While no conclusions regarding the incidence of sensitivity or irritation to hydrocortisone or hydrocortisone acetate among these reported reactions can be made because of the lack of definitive patch tests in the majority of these reports, the agency believes that the information derived from the patch tests that were performed supports the occurrence of confirmed allergic sensitivity reactions to hydrocortisone or hydrocortisone acetate, at least for some individuals, that was observed by the agency in its safety evaluation of clinical studies of the drug. (See part II. paragraph D. above—*Sensitization and Irritation Potential of Hydrocortisone.*)

The adverse drug reaction data for single entity hydrocortisone or hydrocortisone acetate containing products provided by manufacturers of these drug products from their own adverse drug reaction files (Refs. 3 and 4) to support the safety of the OTC use of these ingredients describe the same type of topical reactions as disclosed by the agency's Spontaneous Reporting System. Some additional reports are included in the data provided by the manufacturers. However, none of these reports provide sufficient detail to permit a definitive evaluation of the cause of these reactions.

Not all of the adverse reaction data provided by manufacturers relate to the safety of 1 percent hydrocortisone or hydrocortisone products. One manufacturer reported that 67.7 percent of the reports received by the company for its 0.5 percent hydrocortisone acetate products from December 10, 1979, through December 31, 1987, were for a lack of effectiveness (Ref. 4).

The agency finds that the adverse drug reaction data in its Spontaneous Reporting System and reported by the manufacturers of these products are consistent and reflective of the adverse drug reaction profile described in the clinical studies discussed above. (See part II. paragraphs C. through E. above.) As in the clinical studies, the majority of the adverse drug reactions reported were minor topical reactions. With the exception of a single foreign report of hypokalemia (Ref. 62), there is no evidence of the putative systemic effects cited by the Panel that can occur when hydrocortisone is administered orally or parenterally, i.e., suppression of the adrenal axis (44 FR 69768 at 69818). Further, the report of hypokalemia is questionable because the route of

administration of the hydrocortisone treatment is not specified.

The adverse drug reaction data include one report of secondary infection (Ref. 63), one report of withdrawal symptoms (Ref. 64), and two reports of skin atrophy (Ref. 65) associated with the topical use of hydrocortisone or hydrocortisone acetate drug products. The agency finds the incidence of these reports and the accounts of hospitalization to be a very small percentage of the total number of reported reactions, considering the widespread use of these products.

Therefore, based on the safety data obtained from the thousands of subjects who participated in the clinical studies of the safety and effectiveness of these products and the supportive evidence of the subsequent adverse drug reaction experience for these products reported to the manufacturers and the agency, the agency proposes that hydrocortisone or hydrocortisone acetate at a concentration of 1 percent can be safely used topically as an OTC drug product for the indications discussed above.

III. Effectiveness

A. Introduction

After reviewing the data and other information relating to the effectiveness of 1 percent hydrocortisone provided in the citizen petition (Ref. 3) and in the submission by the manufacturers' association (Ref. 4), the agency concludes that they demonstrate that 1 percent hydrocortisone is a more effective concentration than 0.5 percent for OTC use to provide relief in many pruritic conditions. Based on the view that OTC drug products should contain the lowest effective dosage, the Panel recommended 0.25 to 0.5 percent as the effective OTC concentration for hydrocortisone and hydrocortisone acetate equivalent to hydrocortisone. However, the agency notes that the majority of the controlled studies cited by the Panel as demonstrating effectiveness for topical hydrocortisone involved 1 percent hydrocortisone, and in several studies 2.5 percent was the concentration used (44 FR 69768 at 69822).

The effectiveness of concentrations of hydrocortisone and hydrocortisone acetate above 0.5 percent was evaluated as part of the agency's Drug Efficacy Study Implementation (DESI) review of prescription topical corticosteroid drugs. In the Federal Register of April 1, 1971 (36 FR 7982), based on reports received from the National Academy of Sciences-National Research Council (NAS–NRC), the agency stated conditions under which 0.5- to 2.5-percent hydrocortisone preparations (ointment, cream, lotion, aerosol spray, or any other form suitable for topical application) were effective for symptomatic relief and adjunctive management of certain dermatoses. Based on the NAS–NRC evaluation and subsequent data that have been submitted to the agency and reviewed by the Panel and FDA, the agency has determined that substantial data exist that demonstrate the effectiveness of 1 percent hydrocortisone for various dermatitides, eczemas, and other indications that are discussed below.

B. A Low Potency Steroid

Several reports show that hydrocortisone (alcohol or acetate) is a low potency steroid. As a result of the chemical synthesis of more potent topical steroids, a ranking system for relative potency was developed. Miller and Munro (Ref. 66) described one method (the vasoconstrictor test) for assessing topical corticosteroid activity. Effectiveness is judged by the drug's ability to cause skin blanching under occlusion. By this assay method, the relative potency is a composite of several of the corticosteroid's properties: its ability to penetrate the skin barrier after release from the vehicle, its intrinsic activity at the receptor, and its rate of clearance from the site. There is usually a strong correlation between clinical and assay results, but the evidence does not suggest that increased absorption is responsible for the increased clinical activity of the more potent compounds. The clinical potency of hydrocortisone (alcohol and acetate) 0.1 to 1.0 percent was rated as "mild" (lowest potency) by this assay, while beclomethasone dipropionate 0.5 percent was ranked as "very potent," hydrocortisone butyrate 0.1 percent as "potent," and fluocinolone acetonide 0.01 percent as "moderately potent."

Sneddon (Ref. 67) divided topical corticosteroids into four grades of potency and classified hydrocortisone 1 percent as "weak" (grade IV-lowest rating). Stoughton (Ref. 68) used vasoconstriction bioassay techniques to compare the relative effectiveness of various corticosteroids applied topically in controlled clinical studies. Hydrocortisone acetate 1.0 percent had a comparative effectiveness of 1, versus 10 for flurandrenalone acetonide 0.05 percent, 100 for triamcinolone acetonide 0.1 percent, and 360 for betamethasone valerate 0.1 percent.

Barry and Woodford (Ref. 69) evaluated the comparative bioavailability of 30 topical corticosteroid creams and gels for vasoconstriction using an occluded blanching test. The method differed from other vasoconstriction assays in that a more sensitive estimation of pallor and more reading times were employed in order to determine the complete blanching profile of the preparation. Hydrocortisone and its acetate at a 1-percent concentration were ranked 29th (hydrocortisone) and 30th (acetate) with area under the blanching curve values of 180 and 167, respectively, when occluded. Comparatively, the highest ranked drug, with a value of 2,300 occluded, was clobetasol propionate 0.05 percent. The authors stated that hydrocortisone and its acetate are recognized as being less potent than newer steroids and were at the bottom of the classification table of preparations. As was also noted in the Miller and Munro study (Ref. 66), the authors thought the results indirectly suggest that the ranking of proprietary corticosteroid preparations based on the skin blanching tests may reflect their relative clinical efficacy.

Barry and Woodford (Ref. 70) did a similar study with 31 corticosteroid ointments. The concentration for hydrocortisone and hydrocortisone acetate was 0.1 percent. Hydrocortisone acetate ranked 30th and hydrocortisone 31st with values of 368 and 175, respectively, when occluded. Fluocinolone acetonide 0.025 percent ranked first with a value of 2,750 occluded, and 2,530 nonoccluded. Although hydrocortisone and hydrocortisone acetate ointments were tested at a lower concentration (0.1 percent) than the creams (1 percent) used in the first study (Ref. 69), the values obtained were higher, especially for hydrocortisone acetate. The authors did not provide an explanation of these results. However, it was indicated that the area under the curve values in the tests were often higher for ointments probably because of the occlusive effect of the ointment vehicle. In both studies, the hydrocortisone and hydrocortisone acetate ointment and cream were ranked last of all the products tested, demonstrating that hydrocortisone is a low potency steroid.

Cahn and Levy (Ref. 25) used hydrocortisone 1.0 percent as the reference standard in evaluating the relative effectiveness of several topical corticosteroids. The investigators noted that hydrocortisone had received the widest recognition and most extensive use in the treatment of inflammatory dermatoses and had been considered for years as the benchmark against which the effectiveness of new steroids was measured.

The Medical Letter (Ref. 71) has stated that topical corticosteroids are

effective in the treatment of a variety of common skin disorders including seborrheic dermatitis, neurodermatitis, psoriasis, atopic determatitis, and anogenital pruritis, and, in general, the fluorinated topical corticosteroids are more effective than other preparations. However, it was indicated that many disorders respond equally well to the less potent and less expensive steroids such as hydrocortisone. Topical steroid preparations were arranged in a chart roughly according to strength. Hydrocortisone 0.25 and 0.5 percent were considered the weakest strengths, while hydrocortisone 1.0 percent was rated a little higher, equivalent to fluocinolone acetonide 0.01 percent and flurandrenolide 0.025 percent. *The Medical Letter* noted that absolute equivalents of topical steroids have not been established, and some dermatologists might disagree with the positions given to some of the formulations presented in the chart.

The above data show that, in comparison to other steroids, hydrocortisone has been determined to be a low potency drug that is effective for the treatment of many common dermatoses. The Panel concluded that numerous controlled and uncontrolled studies provide strong documentation for the efficacy of hydrocortisone and hydrocortisone acetate for antipruritic and anti-inflammatory use in the 0.5- to 5-percent dosage range. As noted above, the Panel identified a number of effectiveness studies in which the 1-percent concentration of hydrocortisone was used and a high percentage of subject improvement occurred for various dermatoses (44 FR 69768 at 69822).

C. Hydrocortisone 1 Percent Is More Effective Than 0.5 Percent

Seven controlled clinical trails (Refs. 22, 32, 35, 54, 72, 73, and 74) involving over 4,000 subjects with various dermatoses demonstrate that 1 percent hydrocortisone is more effective than the 0.5-percent concentration in many subjects. The methodology used by many of the investigators in these clinical trials was either paired simultaneous comparisons of active vs. placebo or active vs. active, or crossover patterns using actives and/or placebo. The paired simultaneous comparison technique is used to study the effects of different concentrations of active ingredients applied topically on the same subject. In this procedure, subjects having symmetrical skin lesions of closely similar duration, degree, and extent are selected for comparative evaluation of the effects of one product applied on one side of the body vs. another product applied simultaneously on the other side of the body. In certain conditions (e.g., anogenital pruritus), contralateral areas may be in opposition to one another, thus making discrete unilateral topical applications impossible.

The crossover technique is well-known and is an effective way to determine the minimal effective dose of a drug, particularly in conditions that are longstanding and generally unresponsive to previous therapy. In a number of instances where investigators had accepted the therapeutic effectiveness of topical hydrocortisone, crossover comparisons were no longer made to placebo (or previously accepted topical therapy) but were made to higher or lower concentrations of hydrocortisone. This approach provide data on the minimum effective dose for maintenance or cure of the condition.

Frank, Stritzler, and Kaufman (Ref. 72) studied 282 subjects with atopic dermatitis, contact dermatitis, nummular and hand eczema, neurodermatitis, seborrheic eczema, and pruritus ani and vulvae to compare the effects of 0.5- and 1-percent hydrocortisone alcohol. The subjects were treated with two ointments: one containing 0.5-percent hydrocortisone free alcohol and the other containing 1-percent hydrocortisone free alcohol. Whenever possible, contralateral areas were treated with each ointment for comparative evaluation. When contralateral areas could not be treated because of location, both ointments were alternated. Of the 282 subjects using both ointments, 169 found the 0.5-percent and the 1-percent products equally effective, 80 found the 1 percent more effective, and 33 found the 0.5 percent more effective. The authors stated that, in general, the impression was that the 0.5-percent concentration was about 75 percent as effective as the 1-percent concentration. The authors also noted that frequently a better response to the 0.5-percent concentration was obtained in areas where treatment was initiated with the 1-percent product and then maintained with the 0.5-percent product.

Robinson, Robinson, and Strahan (Ref. 22) evaluated the effects of multiple combinations of different vehicles and concentrations of topical hydrocortisone (0.5, 1.0, and 2.5 percent) in the treatment of various dermatoses in 1,655 subjects. Hydrocortisone free alcohol 0.5, 1.0, and 2.5 percent in various vehicles was used on 757 subjects, and hydrocortisone acetate 0.5, 1.0, and 2.5 percent in various vehicles was used on 349 subjects. The results indicated that 0.5 percent hydrocortisone (alcohol and acetate) was effective in 60 percent of the subjects studied. This concentration was also effective in maintaining symptomatic relief when treatment was initiated with a higher concentration. The paired comparison method was used in several cases of extensive atopic dermatitis, with placebo applied to one part of the body and active drug to another part. In subjects with atopic dermatitis, 0.5 percent hydrocortisone proved to be effective for 60 percent, 1 percent was effective for 80 percent, and 2.5 percent effective for 90 percent. The 1- and 2.5-percent concentrations were of great value in the treatment of dermatitis venenata, while the 0.5-percent concentration was not effective. In anogenital pruritis, the improved, partially improved, and not improved results were as follows: 7:2:4 for 0.5 percent, 27:9:6 for 1 percent, and 18:3:2 for 2.5 percent. Robinson, Robinson, and Strahan concluded from this study that both 0.5- and 1-percent hydrocortisone concentrations were useful and that 1 percent was the optimum concentration. The authors also concluded that there is not appreciable difference between the local action of hydrocortisone free alcohol and hydrocortisone acetate.

Rattner (Ref. 35) studied 1,200 subjects having various dermatoses using topical hydrocortisone acetate in various concentrations and bases and comparing them with placebo bases and standard ointments. Whenever possible, simultaneously paired comparisons were made, using the hydrocortisone product on one side of the body and using the base on a similar lesion on the opposite side of the body. One percent hydrocortisone acetate yielded excellent results in a majority of cases of atopic eczema, contact dermatitis, localized neurodermatitis, otitis externa, and pruritus ani. Rattner found the 1-percent concentration (in an ointment base) to be more effective than the 0.5-percent concentration but occasionally less effective than the 2.5-percent concentration. Rattner also reported that no difference in results was observed between the hydrocortisone acetate and the free alcohol preparation.

Irke and Griffin (Ref. 73) used paired simultaneous comparisons in 60 elderly subjects (between 60 and 90 years of age, average 66 years) of combination products containing a fixed amount of neomycin with various concentrations of hydrocortisone from 0.5 to 2.5 percent. The conditions studied included lichen simplex chronicus, anogenital pruritus, severe and prolonged contact dermatitis, seborrheic dermatitis, stasis dermatitis,

infectious eczematoid dermatitis, dishidrosis, and nummular eczema. They found that the 0.5-percent hydrocortisone preparation was the least satisfactory, the 2.5-percent hydrocortisone was the most effective, and the 1-percent hydrocortisone was somewhat less effective than the 2.5-percent but was considered adequate for most conditions studied.

Heilesen, Kristjansen, and Reymann (Ref. 54) in a study of 130 subjects with various dermatoses reported that 0.1- or 0.5-percent concentration of hydrocortisone was not capable of maintaining the effect obtained from using the 1-percent concentration. The authors concluded that the 1-percent concentration seems clearly to mark the threshold of effectiveness.

Welsh and Ede (Ref. 32) compared the effects of 1.0 and 2.5 percent hydrocortisone and its acetate in 402 subjects with chronic dermatoses refractory to other available topical remedies. They found both concentrations adequately treated acute contact dermatitis, mild transient atopic dermatitis, eczema, uncomplicated stasis dermatitis, and pruritus ani. They concluded that the therapeutic effectiveness between the two concentrations was not striking. Later they expanded the study (Ref. 74) and included 306 additional subjects (708 total) with dermatoses known to be refractory to usual treatment. Hydrocortisone ointment (acetate and alcohol) in 0.5-, 1.0-, and 2.5-percent concentrations was used. The alcohol was more effective than the acetate. All three concentrations were effective in treating mild dermatoses, but for very acute or chronic dermatoses only 1 and 2.5 percent were effective. The authors stated that their observations failed to confirm those reported by others, i.e., that the 1-percent concentration clearly marked the threshold of effectiveness, and that 0.5 percent is not capable of maintaining the effects obtained with 1 percent hydrocortisone.

The Panel evaluated 37 studies demonstrating the effectiveness of topical hydrocortisone at concentrations ranging from 0.1 to 2.5 percent. In 22 studies, 1 percent hydrocortisone was the concentration used, and 9 other studies included 1 percent hydrocortisone in a range of concentrations that were evaluated (44 FR 69768 at 69822). The agency notes that five of the seven studies (Refs. 22, 35, 54, 72, and 74) described above were cited by the Panel as supporting the effectiveness of hydrocortisone (44 FR 69822). The agency has determined that these clinical studies demonstrate that a 1-percent concentration of hydrocortisone is more effective than a 0.5-percent concentration for a number of dermatologic conditions that are included in the OTC labeling for products containing this ingredient. However, the agency concludes that a range of concentrations from 0.25 to 1 percent is appropriate for OTC drug products containing hydrocortisone.

IV. Labeling

A. Introduction

Labeling for 0.25 to 0.5 percent hydrocortisone and hydrocortisone acetate was proposed by the agency in the tentative final monograph for OTC external analgesic drug products (48 FR 5852 at 5868 and 5869). It was revised in amendments to that proposed monograph in the **Federal Register** of July 30, 1986 (51 FR 27360 at 27363) and August 5, 1988 (53 FR 32592 at 32593). The labeling contains indications that the agency considers as being amenable for using hydrocortisone for self-treatment, such as "For the temporary relief of itching associted with minor skin irritations * * * and rashes * * *." The proposed warnings and directions applicable to all OTC external analgesic drug products also apply to hydrocortisone, e.g., for external use only and 7-day use limitation. In addition, the following warning is specifically required for OTC hydrocortisone products bearing a label indication for external genital itching or for external feminine itching: "Do not use if you have a vaginal discharge. Consult a" (select one of the following: "physician" or "doctor"). The agency concludes from the safety and effectiveness data presented that the labeling that was proposed for 0.25 to 0.5 percent hydrocortisone, with the modifications described below, would also be appropriate for OTC drug products containing 1 percent hydrocortisone.

B. Proposed OTC Labeling for 1 Percent Hydrocortisone

The citizen petition (Ref. 3) contained proposed labeling for 1 percent hydrocortisone, while the manufacturers' association's (Ref. 4) proposed labeling was for concentrations "up to" 1 percent. The labeling proposed by these two parties is substantially similar to the labeling proposed by the agency for the 0.25- to 0.5-percent concentration of hydrocortisone in the tentative final monograph for OTC external analgesic drug products (48 FR 5852 at 5868) and the amended tentative final monograph (51 FR 27360 at 27363).

The labeling proposed by the petitioner (Ref. 3) for 1 percent hydrocortisone is as follows:

Indications. For the temporary relief of minor skin irritations; inflammation, itches, and rashes due to insect bites; external anal itching; and allergic and irritant dermatitis caused by poison ivy, poison oak, poison sumac, soaps, detergents, cosmetics, or jewelry. Other uses or the use of the product for more than 7 days should be undertaken only under the advice and supervision of a physician.

Warnings. For external use only. Avoid contact with eyes. If the condition being treated worsens, or if symptoms persist for more than 7 days, discontinue use of this product and consult a physician. *Do not use for the treatment of diaper rash* or on children under 2 years of age except under the advice and supervision of a physician. Keep this and all drugs out of the reach of children. In case of accidental ingestion, seek professional assistance or contact a poison center immediately.

Directions for use. For adults and children 2 years of age and older: Apply to affected area not more than 3 or 4 times daily. Do not use in children under 2 years of age except under the advice and supervision of a physician.

The petitioner excluded what it considered "chronic conditions" (i.e., eczema) from the proposed indications for use because it felt that OTC topical hydrocortisone 1 percent should be reserved for short-term use in acute dermatologic conditions, and that conditions requiring therapy for more than 7 days should be treated by a physician. The petitioner also proposed the following new statement: "Other uses or the use of the product for more than 7 days should be undertaken only under the advice and supervision of a physician."

The petitioner stated that the proposed warning "do not use for the treatment of diaper rash * * * except under the advice and supervision of a physician" was based on the Dermatologic Drugs Advisory Committee's concern regarding the potential use of 1 percent hydrocortisone in the treatment of diaper rash. The petitioner considered this to be a valid concern. The petitioner also felt that the warning was necessary to help restrict use of 1 percent hydrocortisone to children 2 years of age and older and adults.

The labeling proposed by the manufacturers' association (Ref. 4) for OTC topical hydrocortisone and hydrocortisone acetate for short-term therapy as antipruritics in concentrations up to 1 percent was as follows:

Indications. For the temporary relief of itching associated with minor skin irritations,

inflammation, and rashes due to (select one or more of the following: eczema, insect bites, poison ivy, poison oak, or poison sumac, soaps, detergents, cosmetics, jewelry, seborrheic dermatitis, psoriasis) and/or (and for external (select one or more of the following: genital, feminine, and anal) itching).

Warnings. For external use only. Avoid contact with the eyes. If condition worsens, or if symptoms persist for more than 7 days or clear up and occur again within a few days, do not use this or any other hydrocortisone product unless you have consulted with a (physician/doctor). Do not use on children under 2 years of age except under the advice and supervision of a physician. Do not use if you have a vaginal discharge. Consult a (physician/doctor). (Only if indications include genital or feminine itching.)

Directions. Adults and children 2 years of age and older: Apply to affected area not more than 3 to 4 times daily. For children under 2 years of age there is no recommended dosage except under the advice and supervision of a physician.

There are some differences in these two proposed labels for OTC hydrocortisone drug products. The indications for itching due to "eczema," "seborrheic dermatitis," "psoriasis," "genital," and "feminine" itching were included in one proposal, but excluded in the other proposal. The phrase "* * * do not use this or any other hydrocortisone product unless you have consulted with a (physician/doctor)" was proposed as an addition to the 7 day limit-of-use warning by the manufacturers' associations for the reason that this additional wording is more directly informative and instructional to the consumer, particularly with market availability of OTC hydrocortisone at several concentrations. The other proposal contained a similar statement: "Other uses or the use of the product for more than 7 days should be undertaken only under the advice and supervision of a physician."

The agency believes that the labeling proposed for hydrocortisone and hydrocortisone acetate should apply to and be the same for all concentrations (0.25 to 1.0 percent), just as the labeling proposed for hydrocortisone and hydrocortisone acetate in the tentative final monograph for OTC external analgesic drug products applies to both 0.25 and 0.5 percent concentrations (48 FR 5852 at 5868 and 5869, 51 FR 27360 at 27363, and 53 FR 35292 at 35293).

The agency has considered the two labeling proposals and determined that they are not significantly different in concept from the labeling that the agency has proposed for hydrocortisone in § 348.50 in the tentative final monograph for OTC external analgesic drug products. The agency's original proposal in 1983 (48 FR 5868) did not include seborrheic dermatitis or psoriasis as indications. In the Federal Register of July 30, 1986 (51 FR 27360), the agency amended the indications in § 348.50(b)(3) (i) and (ii) of the tentative final monograph to include seborrheic dermatitis and psoriasis as conditions for which hydrocortisone at 0.25- to 0.5-percent concentration can be labeled for OTC use. The agency has determined that "eczema" can remain the OTC labeling for these products because many of the safety and effectiveness studies described above involved the treatment of eczematous conditions, with improvement evident within a week. (See Part II. above—Safety and Part III. above—Effectiveness.) In addition, the 7-day limit of use warning is intended to prevent long-term use of hydrocortisone for any indication, such as "eczema," without consulting a physician/doctor. Therefore, the agency is proposing that the indications in § 348.50(b)(3) (i) and (ii), as amended in 1986, be used for all concentrations of hydrocortisone from 0.25 to 1 percent. These indications are currently proposed as follows: (i): "For the temporary relief of itching associated with minor skin irritations and rashes" [which may be followed by: "due to" (select one or more of the following: "eczema," "insect bites," "poison ivy, poison oak, or poison sumac," "soaps," "detergents," "cosmetics," "jewelry," "seborrheic dermatitis," "psoriasis") and/or ("and for external" (select one or more of the following, "genital," "feminine," and "anal") "itching")].

(ii): "For the temporary relief of itching associated with minor skin irritations, inflammation, and rashes due to" (select one or more of the following: "eczema," "insect bites," "poison ivy, poison oak, or poison sumac," "soaps," "detergents," "cosmetics," "jewelry," "seborrheic dermatitis," "psoariasis)," and/or ("and for external" (select one or more of the following: "genital," "feminine," and "anal") "itching").

The agency believes that part of the statement "other uses or the use of this product (for more than 7 days) should be undertaken only under the advice and supervision of a physician," proposed by the petitioner for inclusion with the indications, may help prevent misuse of hydrocortisone for cuts, blisters, infections, etc. (nonindications), which could result in adverse reactions. Accordingly, the agency is amending proposed § 348.50(b)(3) to add paragraph (iii) to read: "Other uses of this product should be only under the advice and supervision of a" (select one of the following: "physician" or "doctor"). The agency is not including the words "for more than 7 days" because it believes that these words might inadvertently encourage use of the product for more than 7 days.

The agency agrees with the manufacturers' association that addition of the phrase "* * * do not use this or any other hydrocortisone product unless you have consulted a (physician/doctor)" to the 7 day limit-of-use warning will be helpful to consumers because of the proposed availability of hydrocortisone for OTC use at concentrations ranging from 0.25 to 1 percent. Accordingly, the agency is revising proposed § 348.50(c)(7) to add paragraph (i), to read as follows:

(7) *For products containing hydrocortisone preparations identified in § 348.10(d) (1) and (2).* (i) "If condition worsens, or if symptoms persist for more than 7 days or clear up and occur again within a few days, do not use this or any other hydrocortisone product unless you have consulted a" (select one of the following: "Physician" or "doctor").

The warning currently proposed in § 348.50(c)(7) in the tentative final monograph (February 8, 1983; 48 FR 5852 at 5869) for products with an indication for external "genital or feminine itching" will be redesignated as § 348.50(c)(7)(ii).

Other warnings being included in this proposed amendment apply to products for "external anal itching." In the Federal Register published August 25, 1988 (53 FR 32592 at 32593), the agency amended the tentative final monograph for OTC external analgesic drug products to include the hydrocortisone-containing products warnings and directions proposed in § 346.50(c) (2), (3), and (4), and (d)(1) of the tentative final monograph for OTC anorectal drug products. These warnings are now being included in § 348.50(c)(7)(iii), instead of (c)(9) as previously designated, and read: "For products containing hydrocortisone preparations identified in § 348.10(d) (1) and (2) that are labeled with the indication' * * * for external anal itching." In addition to the warnings in paragraph (c)(1) of this section, the labeling of the product also contains the warnings proposed in § 346.50(c) (2), (3), and (4) of this chapter. (See the Federal Register of August 15, 1988; 53 FR 30756.)"

The agency notes that the Panel did not discuss the use of hydrocortisone for the treatment of diaper rash. The Miscellaneous External Panel briefly mentioned the use of 0.5 to 1 percent hydrocortisone for the treatment of severe diaper rash by physicians (47 FR 39412 at 39416).

The agency believes that the proposed warning "do not use for the treatment of diaper rash or on children under 2 years of age except under the advice and supervision of a physician" is appropriate, even though diaper rash is not an indication in the tentative final monograph for OTC external analgesic drug products, and the directions state not to use on children under 2 years of age. The Panel advised that products containing any external analgesic active ingredient not be used on children under 2 years of age except under the advice and supervision of a physician. The Panel's main concern was related to increased cutaneous penetration of a drug under the occlusive conditions found in infants resulting from a diaper, lying on a waterproof mattress, wet clothing, or from body folds touching each other. The Panel noted that the penetration of hydrocortisone is enhanced 10- to 100-fold by occlusion, and that ingredients under occlusion may possibly be corrosive to the infant's skin (44 FR 69768 at 69773 and 69774).

The agency is aware that children over 2 years of age may also have diaper rash (Refs. 75, 76, and 77). The above warning would also alert parents of children over 2 years of age not to use hydrocortisone-containing drug products for diaper rash unless directed to do so by a physician. The agency believes possible enhanced penetration of hydrocortisone could also be a potential problem if an occlusive environment existed in a child over 2 years of age. Accordingly, the agency is proposing a new paragraph (iv) in § 348.50(c)(7) to read: "Do not use for the treatment of diaper rash. Consult a" (select one of the following: "physician" or "doctor"). The agency invites comments regarding this proposed warning.

External analgesic drug products for diaper rash use were evaluated by the Miscellaneous External Panel in an advance notice of proposed rulemaking published in the **Federal Register** of September 7, 1982 (47 FR 39412). The agency will present its tentative findings on these products, which includes hydrocortisone-containing products, in a future issue of the **Federal Register.**

Based on the Panel's concerns about drug penetration being enhanced under occlusion, the agency believes that it may be appropriate to revise and clarify the directions for use applicable to all OTC external analgesic drug products in § 348.50(d)(1) for children under 2 years of age. The agency believes it would be appropriate to add the words "do not use" in addition to the instruction to "consult a physician (or doctor)." Accordingly, the agency is revising the general directions that apply to all OTC external analgesic drug products (which includes hydrocortisone) in proposed § 348.50(d)(1) to read as follows: * * * "Adults and children 2 years of age and older: Apply to affected area not more than 3 to 4 times daily. Children under 2 years of age: Do not use, consult a" (select one of the following: "physician" or "doctor").

The agency tentatively concludes that the changes proposed in this amendment should result in labeling that is clear to consumers and that assures safe and proper self-use of OTC topical hydrocortisone drug products up to 1-percent concentration. Because OTC marketing of hydrocortisone is a prescription-to-OTC switch, agency regulations in 21 CFR 330.13(b)(2) require that such a product be marketed with labeling that is in accord with a proposed monograph or a tentative final monograph. Accordingly, the labeling proposed in 1979 (44 FR 69768 at 69865 and 69866) or 1983 (48 FR 5852 at 5868 and 5869), as amended in 1986 (51 FR 27360 at 27363) and in 1988 (53 FR 32592 at 32593), should continue to be used for OTC hydrocortisone-containing drug products. This document, while it does not allow OTC marketing of products containing above 0.5 percent hydrocortisone up to 1 percent hydrocortisone, does apply to currently marketed products containing 0.25 to 0.5 percent hydrocortisone. Irrespective of the final decision on OTC status of hydrocortisone above 0.5 percent up to 1 percent, the agency intends for the labeling revisions proposed in this document to apply to OTC drug products containing 0.25 to 0.5 percent hydrocortisone. Accordingly, manufacturers may use the labeling proposed in this amendment on currently marketed OTC hydrocortisone-containing drug products. The final monograph, when published, will establish the final labeling that will be required for all OTC drug products that contain hydrocortisone.

C. Differentiation Between Product Strengths in OTC Labeling

Based on the market availability of multiple strengths of other OTC external and internal drug ingredients, the manufacturers' association indicated that packaging graphics will clearly communicate to consumers that there is a difference in strength of OTC drug products containing hydrocortisone. The use of terms such as "Regular Strength" and "Maximum Strength" was suggested so that consumers would be able to treat indicated itch/rash conditions with what they determined to be the appropriate product concentration for their specific needs.

The agency recognizes that currently there are OTC drugs on the market containing varying concentrations of active ingredients per dosage unit. Although terms such as "regular strength" and "maximum strength" may be helpful to consumers by alerting them to the fact that products with such labeling may not necessarily contain the quantity of ingredient contained in other products they have purchased, the agency believes such terms and other similar terms are only peripherally related to an OTC drug product's safety and effectiveness. Therefore, the agency considers such terms to be outside the scope of the OTC drug review and is not including such terms in the monograph.

The agency is aware that the term "maximum strength" currently appears in the labeling of some 0.5 percent OTC hydrocortisone drug products. The agency is concerned about the degree of confusion that may be caused to consumers if products containing 0.5 percent hydrocortisone are relabeled to state "regular strength" without further explanation regarding the change. It is possible that the same entity (a 0.5-percent hydrocortisone product), marketed by either the same manufacturer or different manufacturers, could appear on the store shelf side-by-side with different labeling: one stating that the product is "regular strength" and the other stating that the same strength product is "maximum strength." Further, referring to 1 percent hydrocortisone as "maximum strength" could not only be confusing but also be considered misleading because there are higher concentrations of hydrocortisone available by prescription. In addition, the agency questions which term would be used to designate the 0.25-percent concentration of hydrocortisone and any concentrations in between 0.25 percent and 1 percent, which might be marketed under the OTC drug monograph. Based on the above, if these terms are used in the labeling of OTC hydrocortisone-containing drug products, the agency believes that an adequate explanation of their meaning should be provided to consumers.

As stated above, these terms will not be included in the labeling required by the monograph for OTC external analgesic drug products, but they could be used elsewhere in the labeling. However, if such terms are used, the agency believes manufacturers should provide consumers with an explanation of these terms as they relate to these specific products. In accordance with

§ 201.62(a) (21 CFR 201.62(a)), the concentration of the hydrocortisone present should be included in the labeling to give accurate information about the strength of the drug in a specific package.

V. Suitable Dosage Forms

A. Introduction

The Panel emphasized that vehicles play an important role in the safety and effectiveness of dermatological drug products (44 FR 69768 at 69774 and 69775). Vehicles were discussed as one of the physiochemical factors that affect skin penetration. The Panel believed that the vehicle in which an active ingredient or combination of ingredients is incorporated may influence effectiveness. The Panel stated that the vehicle must provide solubility, stability, maintain contact of the active ingredient with the lesion of the skin, and must not retard passage of the drug into the skin or lesions, thereby decreasing bioavailability. A drug's rate of release from its vehicle depends on its rate of diffusion within the vehicle. A vehicle may also affect the hydration of the stratum corneum. Those which increase or maintain hydration usually promote drug absorption. Dimethylsulfoxide (DMSO) and dimethylformamide (DMF), used as vehicles, may accelerate absorption of substances through the skin barrier. Surface active ingredients (surfactants) also increase absorption. Most vehicles consist of emulsions, i.e., suspensions of droplets of one liquid in another in which it is insoluble. Ointments, pastes, or creams are semisolid vehicles. Oleaginous vehicles consist of hydrocarbons, fatty acids, or esters of fatty acids. The Panel determined that ideal dermatological vehicles are stable, neutral, nongreasy, nondegreasing, nonirritating, nondehydrating, nondrying, washable, odorless, and stainless. Additionally, vehicles should act efficiently on all kinds of human skin, hold at least 50 percent water, and should be easily compounded with known chemicals. The Panel recommended that all inactive ingredients, including those in vehicles, be listed in the drug products' labeling.

B. The Panel's Discussion of Vehicles in Relation to Hydrocortisone

In its discussion of hydrocortisone, the Panel referred to vehicles a number of times. The Panel cited the **Federal Register** of April 28, 1971 (36 FR 7982) as containing a statement that 0.5-, 1.0-, and 2.0-percent hydrocortisone products in different types of vehicles were generally recognized as safe and effective (44 FR 69768 at 69813). The Panel mentioned a study in which hydrocortisone solutions or suspensions in several vehicles (i.e., polyethylene glycol, olive oil, chloroform plus olive oil, physiological saline, or ointment base) were applied to shaved backs of female rats (44 FR 69816). No significant difference in results among the various vehicles was detected. Adverse reactions in some studies were attributed to the vehicle or a contaminant (44 FR 69817). Also, vehicles have been implicated in sensitivity and irritation reactions with hydrocortisone (44 FR 69822). At its 23d meeting held on March 4 and 5, 1976 (Ref. 7), the Panel decided that its report on hydrocortisone was to include a recommendation: "Not to be incorporated in vehicles greatly enhancing cutaneous penetration such as DMSO and related compounds." This statement was considered necessary in view of the possibility of future development of new vehicles and formulations which may enhance absorption and the effectiveness of topically applied medicaments.

At its 24th meeting held on May 19 and 20, 1976 (Ref. 78), the Panel again expressed concern regarding the use of new vehicles, with properties similar to DMSO, which may increase absorption of ingredients beyond what the Panel determined to be safe and effective. The Panel concluded at that meeting that "Ingredients reviewed by this Panel were categorized on the basis of their use in currently employed topical vehicles," (Ref. 78).

C. Discussion of Vehicles in Submissions

OTC drug monographs do not, as a general rule, identify a formulation (vehicles) for dosage forms containing monograph active ingredients. Although vehicles are considered to be inactive ingredients, the Panel noted that many vehicles interact physically and chemically with the outer layer of human skin. The substantivity, penetration, and resistance of the active ingredients to sweating, washing, and other factors often depend upon the vehicle (44 FR 69768 at 69775). The OTC drug regulations in 21 CFR 330.1(e) address vehicles in OTC drug products by stating that a product may contain only suitable inactive ingredients which are safe and do not interfere with the effectiveness of the preparation or with suitable tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity.

The petitioner (Ref. 3) did not address vehicles used in OTC hydrocortisone containing drug products, but the manufacturers' association (Ref. 4) referred to the comprehensive examination and discussion of vehicles in the Panel's report on OTC external analgesic drug products, published in the **Federal Register** of December 4, 1979 (44 FR 69768), and the published clinical studies evaluated by the Panel as supporting the lack of effects of vehicles on percutaneous absorption of hydrocortisone. The manufacturers' association contended that the studies show that under normal conditions of use, topically applied hydrocortisone is only minimally absorbed systemically. (See also part II. paragraph C. above—*Systemic Effects and Risk of Superinfection.*) Two studies (Refs. 79 and 80) were cited as showing that only 1 percent or less of the amount of hydrocortisone applied is absorbed through normal adult skin and that 2 percent is absorbed through damaged skin. In one study (Ref. 79), the amount and rate of penetration of ^{14}C hydrocortisone applied to normal skin was evaluated by measuring excretion in the urine over a period of 10 days. The authors commented that urinary excretion of ^{14}C hydrocortisone accurately reflects the penetration of ^{14}C hydrocortisone through the epidermis because excretion of ^{14}C after intraveous or intradermal injection is very rapid with little delay when compared to any method of topical application. This is further confirmed by the relatively efficient recovery of 63 to 75 percent of the drug. The authors concluded that their data confirm that less than 1 percent of topically applied hydrocortisone is absorbed through intact skin and that this absorption is spread out as long as 10 days.

The other study (Ref. 80) was a preliminary and short, but similar, report involving only 2 subjects. Peak excretion of hydrocortisone 4-C^{14} in an ointment base occurred in the second 24 hours after application, but lower levels of radioactivity persisted throughout the 6-day experimental period. The authors concluded that while precise quantitative data could not be determined under the conditions of the experiment, less than 1 percent of the topically applied 4-C^{14} hydrocortisone was excreted in the urine over a period of 6 days. It was postulated, based on this excretion pattern, that a depot of hydrocortisone forms, possibly in the skin, which persistently releases small amounts of the hormone over an extended period of time.

The manufacturers' association calculated a "worst case scenario" where topical application of one ounce

of product (entire OTC package quantity) at one time would lead to absorption of only 300 mg of hydrocortisone if all the drug were absorbed, which would not occur. The association stated that this quantity of hydrocortisone is only slightly higher than the initial dosage of 20 to 240 mg a day approved by FDA in the labeling of orally-administered hydrocortisone tablets. Based on the amount of data on vehicles for hydrocortisone products reviewed by the Panel, the manufacturers' association reasoned that neither the Panel nor the agency saw a need to limit or specify the types of dermatologic vehicles appropriate for OTC 0.5 percent hydrocortisone. The manufacturers' association concluded that any of the commonly available dermatological vehicles would be appropriate for the safe and effective delivery of 1 percent hydrocortisone in an OTC drug product.

The agency agrees with the Panel's recommendation that hydrocortisone for OTC use should be incorporated into vehicles that do not greatly enhance percutaneous absorption with the resulting possibility of causing safety risks. The agency also agrees with the Panel, in its discussion of vehicles, that all inactive ingredients in the product (including those in vehicles) be listed on the labeling of OTC drug products (44 FR 69768 at 69775). Such information would help consumers avoid products containing ingredients to which they are allergic or sensitive. Hydrocortisone safety studies discussed above indicated that most sensitization and irritancy reactions were caused by the vehicle. (See also part II. paragraph D. above—*Sensitization and Irritation Potential of Hydrocortisone.*) The agency also notes that some vehicles decrease penetration, diminishing availability of the drug to the skin. As stated above, the OTC drug regulations in 21 CFR 330.1(e) should be used as the basis for formulating OTC hydrocortisone drug products.

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(3) Comment No. CP00005, Docket No. 78N–0301, Dockets Management Branch.

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VI. Summary of the Agency's Changes

FDA has considered the comments in the citizen petition (Ref. 3) and from the manufacturers' association (Ref. 4), and other relevant information. The agency is amending the tentative final monograph to include conditions for OTC use of hydrocortisone and its hydrocortisone acetate equivalent in concentrations above 0.5 up to 1 percent based on its evaluations of the data and other changes described in the summary below. A summary of the changes made by the agency follows.

1. The agency is revising § 348.10(d)(1) to read as follows: "Hydrocortisone, 0.25 to 1 percent."

2. The agency is revising § 348.10(d)(2) to read as follows: "Hydrocortisone acetate, equivalent to hydrocortisone, 0.25 to 1 percent."

3. In the tentative final monograph published on February 8, 1983, the spray dosage form was not included in the statement of identity proposed in § 348.50(a)(2). The agency listed several examples of appropriate dosage forms, e.g., cream, lotion, or ointment. The agency is expanding this list to also include a spray dosage form.

Accordingly, the agency is amending § 348.50(a)(2) to read "The labeling identifies the product as "antipruritic (anti-itch)," "anti-itch," "antipruritic (anti-itch) (insert dosage form, e.g., cream, lotion, ointment, or spray)," or "anti-itch (insert dosage form, e.g., cream, lotion, ointment, or spray)."

4. The agency is proposing that the indications in § 348.50(b)(3) (i) and (ii), as amended on July 30, 1986 to include seborrheic dermatitis and psoriasis (51 FR 27360 at 27363), be used for all OTC concentrations of hydrocortisone and hydrocortisone acetate.

5. To help prevent misuse of OTC hydrocortisone drug products, with possible resultant adverse reactions, the agency is proposing an additional statement in § 348.50(b)(3), as paragraph (iii), to read as follows: "Other uses of this product should be only under the advice and supervision of a" (select one of the following: "physician" or "doctor").

6. The agency is proposing that the 7-day limit of use warning in § 348.50(c)(1)(iii) not be used for OTC hydrocortisone drug products. In its place, hydrocortisone drug products will bear a somewhat different warning, which is being incorporated in § 348.50(c)(7)(i), to read as follows: "If condition worsens, or if symptoms persist for more than 7 days or clear up and occur again within a few days, do not use this or any other hydrocortisone product unless you have consulted a" (select one of the following: "physician" or "doctor").

7. The agency is proposing to redesignate the current warning for hydrocortisone products in § 348.50(c)(7) as paragraph (7)(ii).

8. The agency is proposing to redesignate the current warnings for hydrocortisone products in § 348.50(c)(9) as (c)(7)(iii).

9. The agency is proposing to add the warning "Do not use for the treatment of diaper rash. Consult a" (select one of the following: "physician" or "doctor") to § 348.50(c)(7) as paragraph (iv). Because children over 2 years of age may get diaper rash, the agency believes this warning will alert parents not to use OTC hydrocortisone products for diaper rash for children of any age, without first consulting a doctor.

10. The agency proposes to add the instruction "do not use" to the general directions for all OTC external analgesic drug products (including hydrocortisone) because it better alerts consumers about use of these products on children under 2 years of age and makes an additional warning unnecessary. The proposed revision in § 348.50(d)(1) reads: * * * "Directions": (1) Adults and children 2 years of age and older: Apply to affected area not more than 3 to 4 times daily. Children under 2 years of age: Do not use, consult a" (select one of the following: "physician" or "doctor".)

The agency has examined the economic consequences of this proposed rulemaking in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this proposed amendment of the OTC external analgesic drug products tentative final monography, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354). That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC external analgesic drug products is not expected to pose such as impact on small businesses. Therefore, the agency certifies that this proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC hydrocortisone external analgesic drug products. Types of impact may include, but are not limited to, costs associated with product testing, relabeling, repackaging, or reformulating. Comments regarding the impact of this rulemaking on OTC hydrocortisone external analgesic drug products should be accompanied by appropriate documentation. A period of 60 days from the date of publication of this proposed rulemaking in the **Federal Register** will be provided for comments on this subject to be developed and submitted. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR part 25).

Interested persons may, on or before April 30, 1990, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections, or requests for oral hearing before the Commissioner on the proposed regulation. A request for an oral hearing must specify points to be covered and time requested. Written comments on the agency's economic impact determination may be submitted on or before April 30, 1990. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments, objections, and requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register**.

In establishing a final monography, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on April 30, 1990. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final monograph is published in the **Federal Register**, unless the Commissioner finds good cause has been shown that warrants earlier consideration.

List of Subjects in 21 CFR Part 348

External analgesic drug products, Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act it is proposed that subchapter D of chapter I of title 21 of the Code of Federal Regulations be amended in part 348 (as proposed in the **Federal Register** of February 8, 1983; 48 FR 5852) as follows:

PART 348—EXTERNAL ANALGESIC DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR part 348 is revised to read as follows:

Authority: Secs. 201, 501 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371).

2. Section 348.10 is amended by revising paragraphs (d) (1) and (2) to read as follows:

§ 348.10 Analgesic, anesthetic, and antipruritic active ingredients.

* * * * *

(d) * * *

(1) Hydrocortisone, 0.25 to 1 percent.

(2) Hydrocortisone acetate, equivalent to hydrocortisone, 0.25 to 1 percent.

* * * * *

3. Section 348.50 is amended by revising paragraph (a)(2), by adding new paragraph (b)(3)(iii), by revising the heading for paragraph (c)(1), by revising paragraph (c)(7), and by revising paragraph (d)(1) to read as follows:

§ 348.50 Labeling of external analgesic drug products.

(a) * * *

(2) *For products containing hydrocortisone or hydrocortisone acetate identified in § 348.10(d).* The labeling identifies the product as "antipruritic (anti-itch)," "anti-itch," "antipruritic (anti-itch) (insert dosage form, e.g., cream, lotion, ointment, or spray)," or "anti-itch (insert dosage form, e.g., cream, lotion, ointment, or spray)."

* * * * *

(b) * * *

(3) * * *

(iii) "Other uses of this product should be only under the advice and supervision of a" (select one of the following: "physician" or "doctor").

* * * * *

(c) * * *

(1) *For products containing any external analgesic active ingredient identified in § 348.10 (a), (b), and (c) and § 348.12.* * * *

* * * * *

(7) *For products containing hydrocortisone preparations identified in § 348.10(d) (1) and (2).* (i) "If condition worsens, or if symptoms persist for more than 7 days or clear up and occur again within a few days, do not use this or any other hydrocortisone product unless you have consulted a" (select one of the following: "physician" or "doctor").

(ii) *For products that are labeled with this indications "* * * for external genital itching," or "* * * for external feminine itching."* "Do not use if you have a vaginal discharge. Consult a" (select one of the following: "physician" or "doctor").

(iii) *For products containing hydrocortisone preparations identified in § 348.10(d) (1) and (2) that are labeled with indication "* * * for external anal itching."* In addition to the warnings in paragraph (c)(1) of this section, the labeling of the product also contains the warnings proposed in § 346.50(c) (2), (3), and (4) of this chapter. (See the Federal Register of August 15, 1988; 53 FR 30756.)

(iv) "Do not use for the treatment of diaper rash. Consult a" (select one of the following: "Physician" or "doctor").

* * * * *

(d) * * *

(1) Adults and children 2 years of age and older: Apply to affected area not more than 3 to 4 times daily. Children under 2 years of age: Do not use, consult a (select one of the following: physician or doctor).

* * * * *

Dated: February 14, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90-4392 Filed 2-26-90; 8:45 am]

BILLING CODE 4160-01-M

federal register

Tuesday
February 27, 1990

Part V

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Notice of Meetings and Proposed Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Human Gene Therapy Subcommittee and Recombinant DNA Advisory Committee; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of meetings of the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee at the National Institutes of Health (NIH), Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892, on March 30, 1990. The Human Gene Therapy Subcommittee will meet from approximately 9 a.m. to adjournment at approximately 12 noon. The Recombinant DNA Advisory Committee will meet from approximately 1 p.m. to approximately 5 p.m. These meetings will be open to the public to discuss:

Proposed Major Actions

Amendment of Appendix C–XIII of the NIH Guidelines regarding human gene transfer protocol;

Addition to Appendix D of the NIH Guidelines regarding human gene therapy clinical protocol; and

Other matters to be considered by the Committees.

Attendance by the public will be limited to space available. Members of the public wishing to speak at these meetings may be given such opportunity at the discretion of the Chair.

Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, National Institutes of Health, Building 31, Room 4B11, Bethesda, Maryland 20892, telephone (301) 496–9838, will provide materials to be discussed at these meetings, rosters of committee members, and substantive program information. A summary of the meetings will be available at a later date.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: February 22, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–4434 Filed 2–26–90; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Recombinant DNA Research: Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Proposed Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning this proposal. These proposals will be considered by the Recombinant DNA Advisory Committee (RAC) at its meeting on March 30, 1990. After consideration of these proposals and comments by the RAC, the Director of the National Institutes of Health will issue decisions in accordance with the NIH Guidelines.

DATES: Comments received by March 22, 1990, will be reproduced and distributed to the RAC for consideration at its March 30, 1990, meeting.

ADDRESSES: Written comments and recommendations should be submitted to Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, Building 31, Room 4B11, National Institutes of Health, Bethesda, Maryland 20892, or sent by fax to 301–496–9839. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from the Office of Recombinant DNA Activities, Building 31, Room 4B11, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9838.

SUPPLEMENTARY INFORMATION: The NIH will consider the following actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

I. Amendment of Appendix D–XIII of the NIH Guidelines

In a memorandum dated February 6, 1990, Drs. W. French Anderson, R. Michael Blaese, and Steven A. Rosenberg of the National Heart Lung and Blood Institute and the National Cancer Institute request that the patient number limitation be removed from the human gene transfer protocol which involves the transfer of the gene for neomycin resistance into tumor infiltrating lymphocytes. The current protocol is approved for 10 patients. No changes in the protocol itself are requested; it would continue as previously approved.

II. Addition to Appendix D of the NIH Guidelines

In a memorandum dated February 12, 1990, Drs. R. Michael Blaese and W. French Anderson of the National Cancer Institute and the National Heart Lung and Blood Institute indicate their intention to submit a human gene therapy clinical protocol to the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is "Treatment of Severe Combined Immunodeficiency Disease (SCID) Due to Adenosine Deaminase (ADA) Deficiency with Autologous Lymphocytes Transduced with a Human ADA Gene."

Additional documentation supporting these requests will be distributed at the meeting. This material also is available upon request from the Office of Recombinant DNA Activities.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In

addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: February 21, 1990.

Jay Moskowitz,

Associate Director, Office of Science Policy and Legislation, National Institutes of Health.

[FR Doc. 90-4435 Filed 2-22-90; 8:45 am]

BILLING CODE 4140-01-M

federal register

Tuesday
February 27, 1990

Part VI

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

Public Housing Resident Management Program Technical Assistance—Notice of Funding Availability for Fiscal Year 1990; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-90-3011; FR-2756 N-01]

Public Housing Resident Management Program Technical Assistance—Notice of Funding Availability for Fiscal Year 1990

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funds availability.

SUMMARY: HUD is announcing the availability of $2.3 million for Fiscal Year 1990 under the Public Housing Resident Management program. This program provides assistance to resident councils and resident management corporations to fund certain activities related to the resident management of public housing. Also, tenants of an Indian Housing Authority (IHA) may create a resident council or resident management corporation that may be eligible for funding under this program.

EFFECTIVE DATES: February 27, 1990.

FOR FURTHER INFORMATION CONTACT: Dorothy Walker, Office of Resident Initiatives, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755–3611. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2577–0127. Public reporting burden for each of these collections of information is estimated to include the time for reviewing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, Other Matters. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., Room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Other Information

Resident Councils (RCs)/Resident Management Corporations (RMCs) that are selected to receive funding will be invited to participate in a national training workshop scheduled for late April 1990. Many resident organizations may not have the funds available to attend the workshop. This NOFA authorizes Public Housing Agencies which are in a position to do so, to advance travel funds to the grantees who are selected to receive funding to attend the workshop and to be reimbursed by the grantees upon execution of the Technical Assistance Grant (TAG). Each grantee may send up to three persons to attend the workshop. (The advance and the reimbursement should occur within the same PHA fiscal year.) All parties are reminded that expenditures for travel are subject to Federal regulations at 41 CFR 301–304.

Statutory Background

Section 122 of the Housing and Community Development Act of 1987 (Pub. L. 100–242, February 5, 1988) amended the U.S. Housing Act of 1937 (1937 Act) by adding a new section 20 that states as part of its purpose the encouragement of "increased resident management of public housing projects [and the provision of funding] * * * to promote formation and development of resident management entities" (sec. 20(a).) Under section (20)(f)(1):

> The Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

Under section 20(f)(2), such financial assistance may not exceed $100,000 with respect to any public housing project, and subsection (f)(3) limits the assistance, to the extent funds are available under section 14 of the 1937 Act (Comprehensive Improvement Assistance Program), to $2.5 million in each of the fiscal years 1988 and 1989. In FY 1990, the Secretary is making available $2.3 million from the budget authority provided for assistance under the U.S. Housing Act.

On September 7, 1988, HUD published a final rule implementing section 20 of the 1937 Act. That rule sets forth, among other things, the policies, procedures, and requirements of public housing. See 53 FR 34676. In an "Overview" of the rule, HUD explained that

> Section 20 establishes a new program of resident management of public housing. Under the program, resident councils that represent residents of a public housing project or projects may approve the formation of a resident management corporation. A qualifying resident management corporation may enter into a management contract with the public housing agency (PHA) establishing the respective management rights and responsibilities of the PHA and the corporation with respect to the public housing project involved. The progam provides PHAs and resident management corporations wide latitude in establishing their respective roles and relationships under the contract.
>
> Resident management corporations may retain any income that they generate in excess of estimated revenues for the project. Retained amounts may be used for purposes of improving the maintenance and operation of public housing projects, establishing business enterprises that employ public housing residents, or acquiring additional dwelling units for lower income families.
>
> The program contains special provisions governing HUD technical assistance to resident councils and resident management corporations; HUD waiver of certain non-statutory requirements for resident management corporations and the PHA; and the employment of public housing management specialists to help determine the feasibility of, and to help establish, resident management corporations, and to provide training and other duties in connection with the daily operations of the project.

Funding

To aid in the implementation of the rule, financial assistance is being made available to Resident Management Corporations (RMCs)/ Resident Councils (RCs) that submit applications in response to this Notice that are approved for funding of technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

In FY 1988, technical assistance grants totalling $2.5 million were awarded to 27 Public Housing Agencies (PHAs)/ RMCs/RCs to fund activities associated with resident management. In FY 1989, another $2.5 million was awarded to 35 RMCs/RCs for this purpose. For FY 1990, $2.3 million is available for this purpose (with the statutory limitation that not more than $100,000 may be approved with respect to any public housing project). Grant awards will be made via a Technical Assistance Grant (TAG) which will define the legal framework for the relationship between HUD and a RMC/RC for the proposed

activities approved for funding. The TAG will contain all applicable requirements which must be complied with in the conduct of activities approved for funding, including administrative requirements such as progress reports, competitive bidding, a final report, and a final audit. All necessary materials regarding the TAG will be furnished at a later date to applicants who are selected to receive funding.

Eligibility of RMCs/RCs Affiliated With Indian Housing Authorities (IHAs)

The Department will consider, on a case-by-case basis, requests by RMCs/RCs affiliated with IHAs to participate under this NOFA, as specified below.

HUD regulations at 24 CFR part 964 exclude Indian Housing Authorities from the definition of Public Housing Agency (§ 964.7). This exclusion precludes participation by tenants of IHAs under part 964 and this NOFA.

However, the Department will consider, on a case-by-case basis, requests for waivers of the exclusion of IHAs from the definition of PHA (24 CFR 946.7). Requests for waivers must (1) be in writing, state good cause and conform with the regulatory criteria of 24 CFR part 999; (2) be limited to instances involving IHAs; and (3) establish that the entity created by tenants of the IHA meets the definition and requirements of a RC or RMC under part 964 and this NOFA.

Where waivers are granted, RMCs/RCs affiliated with IHAs shall be subject to the same requirements applicable to RMC/RCs affiliated with PHAs.

This Notice

This Notice contains definitions of a "Project", "Resident Council (RC)", "Resident Management", and "Resident Management Corporation (RMC)" that are drawn from 24 CFR part 964. Also detailed in this Notice are those activities that are eligible for funding, including expenditures related to the establishment of a RMC and costs associated with ensuring the viability and sound operation of a RMC. The notice also gives examples of activities that are not eligible for funding. The application process and the factors that HUD will use in evaluating all applications are spelled out in sections 7 and 8, respectively.

Section 9 describes the selection and approval procedures, along with the role that the Regional and Field Offices will play in the process, and section 10 states that a RMC must spend the funds received within two years of the award of the grant. Sections 11 and 12 indicate that HUD Headquarters will notify Congress and the PHAs, respectively, of action taken on a RMC's/RC's application. Section 13 advises that RMCs/RCs selected for funding will be issued additional instructions regarding program implementation.

Under previous NOFAs, an established RMC that had a management contract with a PHA was considered eligible for funding to train a newly formed or existing RMC within the same jurisdiction. This policy was not in accord with section 20(f)(1) of the United States Housing Act of 1937 and the implementing regulations at 24 CFR 964.45. Section 20(f)(1) provides that—

> To the extent budget authority is available for section 14, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, incuding the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

Consistent with section 20(f)(1) and § 964.45, the funding authorized under this program is to be provided to the RC/RMC which receives technical assistance (e.g., training, etc.) and not to the RMC which provides the technical assistance.

1. Definitions

In accordance with 24 CFR part 964, the following definitions apply:

a. *Project.* Includes any of the following that meet the requirements of part 964:

(i) One or more contiguous buildings.

(ii) An area of contiguous row houses.

(iii) Scattered site buildings.

b. *Resident Council (RC).* An incorporated or unincorporated nonprofit organization or association that meets each of the following requirements:

(i) It must be representative of the tenants it purports to represent.

(ii) It may represent tenants in more than one project or in all of the projects of a PHA, but it must fairly represent tenants from each project that it represents.

(iii) It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years).

(iv) It must have a democratically elected governing board. The voting membership of the board must consist of tenants of the project or projects that the tenant organization or resident council represents.

c. *Resident Management.* The performance of one or more management activities for one or more projects by a resident management corporation under a management contract with the PHA.

d. *Resident Management Corporation (RMC).* The entity that proposes to enter into, or enters into, a management contract with a PHA that meets the requirements of subpart C of 24 CFR part 964. The corporation must have each of the following characteristics:

(i) It must be a nonprofit organization that is incorporated under the laws of the State in which it is located.

(ii) It may be established by more than one tenant organization or resident council, as long as each such organization or council (A) approves the establishment of the corporation and (B) has representation on the Board of Directors of the corporation.

(iii) It must have an elected Board of Directors.

(iv) Its by-laws must require the Board of Directors to include representatives of each tenant organization or resident council involved in establishing the corporation.

(v) Its voting members must be tenants of the project or projects it manages.

(vi) It must be approved by the resident council. It there is no council, a majority of the households of the projects must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the project.

The RMC may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of a resident council as defined in paragraph (b) of this section.

2. *Eligibility.*

Only organizations that meet the definition of a RC/RMC set forth in paragraphs (b) and (d) of section (1) will be eligible for funding under this NOFA, as follows:

(a) RCs/RMCs selected for funding in FYs 1988 and 1989 that received less than the statutory maximum of $100,000 per project may apply for an additional grant not to exceed the total statutory maximum; they may receive consideration for up to the additional amount based on the same evaluation factors applied to other applicants. No special considerations will be given. Projects which were awarded the maximum amount of $100,000 in FYs 1988 and 1989 are not eligible to apply.

(b) A resident council which represents more than one project may

apply on behalf of some or all of the projects it represents. In such a case, an individual project represented by that council may not apply for technical assistance funding for the same activities that are included in the application submitted by the larger organization.

Note: HUD encourages the submission of joint applications from neighboring RCs/RMCs that have similar objectives for the program by jointly sharing basic training, and exploring such areas as feasibility of resident management, economic development, or homeownership.

3. *Training Requirements for all Grantees*

Grantees are required to have training in the following areas:

a. HUD regulations and policies governing the operating of low-income public housing.

b. HUD regulations and requirements on the Public Housing Resident Management program.

c. Financial management, including budgetary and accounting principles and techniques.

d. Capacity building to develop the necessary skills to assume management responsibilities at the project.

Each grantee must ensure that this training is provided by the housing management specialist, the PHA, or other sources.

4. *Eligible Activities*

Activities which may be funded and carried out by an eligible RC/RMC include any combination of, but are not limited to, the following:

a. Determining the feasibility of resident management by a housing management specialist for a specific project or projects.

b. Training of residents in skills directly related to the operations and management of a project(s) for potential employees of a RMC.

Note: By law, a RC must hire a qualified public housing management specialist by competitive bid who can provide needed training and other support to assist in developing a RMC's capabilities for resident management and who can perform related duties as may be agreed to in connection with the daily operations of a project.

c. Training of Board members in community organization, Board development, and leadership training.

d. Funds may be used to assist in the actual creation of a RMC, such as:

(i) Consulting and legal assistance to incorporate the RMC;

(ii) Preparing by-laws and drafting a corporate charter;

(iii) Developing performance standards and assessment procedures to measure the success of the RMC;

(iv) Assistance in acquiring fidelity bonding and insurance, but not the cost of the bonding and insurance; and

(v) Assessing potential management functions or tasks that the RMC might undertake.

e. Implementation of activities by a RMC capable of performing functions associated with the operation and maintenance of the public housing project. Examples of eligible activities, in addition to those cited in paragraphs (a) through (d) of this section, are—

(i) Designing and implementing financial management systems that include provisions for budgeting, accounting, and auditing;

(ii) Assistance in developing and negotiating management contracts and related contract monitoring and management procedures;

(iii) Designing and implementing a long-range planning system;

(iv) Designing and implementing: personnel policies; performance standards for measuring staff productivity; policies and procedures covering organizational structure, recordkeeping, maintenance, insurance, occupancy, and management information systems; and any other recognized functional responsibilities relating to property management in general and public housing management in particular;

(v) Identifying the social support needs of residents and securing of such support, e.g., health clinics, day care, security, etc., and

(vi) Assessing potential homeownership opportunities;

f. Development of economic initiatives to further increase the self-sufficiency of a resident management corporation and of residents. Such activities may include:

(i) Preparation of market studies, management plans, or plans for a proposed economic development activity;

(ii) Legal assistance in establishing a business entity; and

(iii) Development of co-op food stores, janitorial and maintenance service firms, etc.

g. Administrative costs necessary for the implementation of activities outlined in paragraphs (a) through (f) of this section are eligible costs and must clearly support activities related to the goal of resident management. Eligible items or activities include, but are not limited to, the following:

(i) Salaries and consulting fees related to the eligible activities above;

(ii) Telephone, telegraph, printing, and sundry and nondwelling equipment such as office supplies and furniture. In addition, a reasonable portion of funds may be applied to the acquisition of hardware equipment such as computers, copying machines, etc., unless purchase of such equipment can be made from a RMC's operating budget. A RMC must justify the need for such equipment. Also, a RMC must demonstrate its management capability based on previous management practices, and based on the level of management responsibilities.

(iii) Approved travel specifically related to activities for the development and implementation of resident management, including conference fees and related travel fees for individual RC/RMC staff or Board members.

5. Ineligible Activities

Ineligible items or activities include, but are not limited to, the following:

(a) Entertainment, including associated costs such as food and beverages;

(b) Purchase of land or buildings or any improvements to land or buildings;

(c) Activities not directly related to resident management, e.g., lead-based paint testing and abatement, operating capital for economic development activities; and

(d) Purchase of any vehicle (car, van, etc.) or any other property having a useful life of more than one year and an acquisition cost of $300 or more per item, other than hardware equipment described in paragraph 4(g)(ii), unless approved by HUD.

(e) Architectural and engineering fees;

(f) payment of salaries for security, maintenance, or other RC/RMC staff; and

(g) Payment of fees for lobbying services.

6. Actions Preceding Application Submission

Consistent with this NOFA, HUD may direct a PHA to notify its existing RC(s)/RMC(s) of this funding opportunity. It is important that residents be advised that, even in the absence of a RC/RMC, the opportunity exists to establish a RC. If no RC/RMC exists for any of the projects, HUD may direct a PHA to post this notice in a prominent location within the PHA's main office as well as in each project office.

7. Application Development and Submission

A RC/RMC shall prepare and submit the application(s) directly to HUD.

a. *Preparation.* The application must contain the following information:

(i) *Name and address of the RC/RMC.* A copy of the RC's/RMC's organizational documents, *i.e.,* charter, articles of incorporation (if incorporated), and by-laws. Name and phone number of contact person (in the event further information or clarification is needed during the application review process).

(ii) *Name, address and phone number* of the Public Housing Agency (PHA) responsible for the project(s) to which inquiries may be addressed concerning the application.

(iii) *A narrative statement of the proposed activities,* addressing the following issues, including a discussion of the Factors for Award contained in Section 8 of this NOFA:

(A) *A discussion of the need for the project(s)* and overall objectives for resident management, and how the proposed activities will meet the needs of the RC/RMC.

(B) *Amount of funds requested,* and an explanation of how the funds will be used, if approved, to determine feasibility of resident management and to promote the formation and development or implementation and operation of resident management entities. Timeframes for completion of proposed activities must be included.

(C) *A discussion of the experience* of the RC/RMC or individual Board members in community activities and actions taken in meeting the needs of the project residents.

(D) *A description of the project financial accounting procedures* that are available to ensure funds are properly spent, or plans to develop such procedures.

(E) *An explanation of how the proposed activities* will enhance the management effectiveness or the scope of functions managed by a RMC, if applicable, along with a description of staffing plans.

(F) *A description of other funding sources* the RC/RMC has received for activities related to resident management, and, if appropriate, how will funding being requested complement ongoing activities.

(G) *A discussion of the extent to which the State/local* government, PHA, community organizations, and the private sector support the activities outlined in the proposal, including support with respect to financial resources, technical assistance, and other support.

(H) *A description of the extent to which the residents* of a project support the proposed activities.

(I) *A discussion of how the proposal* specifically meets the factors listed in section 8 of this Notice.

(iv) *The name of the project(s) for which the funds* are proposed to be used, the number of units, a brief description of the project occupancy type (family or elderly), the number of buildings, housing type (high-rise, low-rise, walk-up, etc.), and the physical condition of the project (interior/exterior).

(v) A budget with supporting justification and documentation in the form outlined in appendix A of this Notice. Budget forms HUD–52825 may be obtained from the appropriate PHA or HUD Field or Regional Offices.

(vi) *The application* must be signed by an individual who is authorized to act for the RC/RMC and must include a resolution from the RC/RMC stating that it agrees to comply with the terms and conditions established under this program and under 24 CFR Part 964. (See Appendix B for a sample of a resolution.)

(vii) *Assurances* that the RMC/RC will comply with all applicable Federal laws, Executive Orders, regulations, and policies governing this program. (See appendix "C".)

In addition to the above information, a RC/RMC may obtain a letter of support from the PHA indicating to what extent it supports the proposed activities. Also, a RC/RMC is encouraged to include an indication of support by project residents (e.g., Board resolution, copies of minutes, letters, etc.), the neighboring community, local public or private groups, including State and local government activities relating to resident management or economic development initiatives in support of resident management, and evidence of the extent of support committed to the program. HUD will give the maximum point value to applicants who obtain commitments of support such as financial assistance, technical assistance, or other tangible support. Copies of letters of support or other evidence of such support should be included with the application.

b. *Submission.* An application, including the Budget, must be submitted in an original plus one copy on 8½" x 11" paper to HUD Headquarters, Office of Procurement and Contracts, Room 5256, 451 7th Street, SW., Washington, DC 20410. The deadline for receipt of application(s) is March 29, 1990, 5:15 p.m. Eastern Standard Time, at the above Headquarters address. Additionally, one copy of the application must be submitted to each of the appropriate HUD Regional and Field Offices. For purposes of determining timely receipt of an application, the original submitted to Headquarters shall govern. Hand-delivered application(s) must be in Headquarters by the deadline or will not be considered. Mailed applications will be accepted if postmarked on or before the deadline and mailed by registered, certified, or Post Office Express Mail. Applications delivered by private courier services such as Federal Express, DHL, Purolator, etc. will be considered hand-delivered and must be in the Headquarters Office by the date and time specified above.

(Approved by the Office of Management and Budget under control number 2577–0127)

To prevent opening by unauthorized individuals, your application should be identified on the envelope or wrapper as follows:

Public Housing Resident Management Program
ATTN: Annette C. Hancock

8. Evaluation Factors

Each of the following rating factors will be considered by HUD in evaluating an application for funding: (An applicant can receive up to 100 points.)

(a) The probable effectiveness of the proposal in meeting the needs of the RC/RMC and accomplishing its overall objectives for resident management. (0–30 points)

(b) The amount of experience in community organization and the success of the RC/RMC in promoting tenant participation in meeting the social services and other needs of the project residents. In the case of newly formed organizations, the experience and success of individual Board members will be evaluated. (0–30 points)

(c) Evidence of support by residents of the project(s) for the activities being proposed (e.g., RC/RMC or RMC Board resolution). (0–15 points)

(d) Evidence that the RC/RMC has the support of the PHA, State/local/county government, community organizations, and private sector groups. (0–15 points)

(e) Capability of handling financial resources (demonstrated through previous experience, adequate financial control procedures, etc.) or an explanation of how such capability will be obtained. (0–10 points)

9. Selection and Approval Procedures

The procedures to be used will include the Regional and Field Offices concurrently reviewing and evaluating the applications in accordance with the evaluation factors contained in section 8 of this NOFA, to provide a statement indicating the strengths or weaknesses

for each evaluation factor. Additionally, the Regional Office and Field Office will submit separately to Headquarters their recommendations on all of the applications submitted for funding, addressing (A) the level of funding based on the type of activity being proposed by RCs/RMCs, (B) other pertinent information on the project(s) where activities are being proposed, and (C) a total score.

HUD Headquarters will also review, evaluate, and score each application based on the evaluation criteria in section 8 of this Notice. HUD Headquarters will then rank all applications, factoring in the rating scores received from the Regional and Field Offices, and will fund applications in the order of their final ranking by Headquarters until the funds are exhausted. No special set-asides or funding preferences will be used by HUD in making final funding decisions. HUD will retain copies of the applications that are not selected for funding.

10. Deadline for Using Funds

A RC/RMC selected to participate in the program must expend all funds within two years from the date a technical assistance grant is executed.

11. Congressional Notification and Transmittal of Approval or Disapproval Letters

HUD Headquarters will be responsible for preparing the Congressional Notifications as well as the RC/RMC approval or disapproval letters.

12. PHA Notification

HUD Headquarters will send a notification to PHAs listing the applications received and the applications selected for funding.

13. Implementation

Additional instructions regarding program implementation will be issued to RCs/RMCs that are selected for funding.

Other Matters

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington DC 20410.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this NOFA will not have potential significant impact on family formation, maintenance, and general well-being, and, therefore, is not subject to review under the order. The NOFA's impact on families will be a salutary one, insofar as it enables them to manage their own housing projects.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA will not have substantial, direct effect on States, on their political subdivisions, or on their relationship with the Federal government, or on the distribution of power and responsibilities between them and other levels of government. The NOFA will fund technical assistance to tenant groups. It will have no meaningful impact on States or their political subdivisions.

The collection of information requirements contained in this Notice have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2577–0127. Sections 7 and 8 of this Notice have been determined by the Department to contain collection of information requirements. Information of these requirements is provided as follows:

Authority: Section 20, United States Housing Act of 1937 (42 U.S.C. 1437r); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 16, 1990.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

TABULATION OF ANNUAL REPORTING BURDEN—APPLICATION FOR FISCAL YEAR 1990 FUNDS FOR PUBLIC HOUSING RESIDENT MANAGEMENT TECHNICAL ASSISTANCE

Description of information collection	Section of NOFA affected	Number of respondents per response	Number of responses	Total annual responses	Hours per responses	Total hours
Application development and submission	Entirety	150	1	150	16	2,400

BILLION CODE 4210-33-M

Comprehensive Assessment / Program Budget
Part I - Summary

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Comprehensive Improvement Assistance Program

"APPENDIX A"

OMB Approval No. 1577-0044 (10/31/92)

NAME OF PHA/IHA	LOCALITY (City/County and State)	ACC NUMBER	MODERNIZATION PROJECT NUMBER	FEDERAL FISCAL YEAR	☒ ORIGINAL ☐ REVISION (Give Number)
USA HOUSING AUTHORITY	ANYWHERE, VIRGINIA	A-1234		FY 90	

LINE NO.	SUMMARY BY DEVELOPMENT ACCOUNT	INDIVIDUAL PROJECT NO.	INDIVIDUAL PROJECT NO.	INDIVIDUAL PROJECT NO.	INDIVIDUAL PROJECT NO.	INDIVIDUAL PROJECT NO.	TOTAL FUNDS REQUESTED	HUD-APPROVED FUNDS
	Type of Modernization							
1	TOTAL OPERATING FUNDS PROVIDED BY PHA	$	$	$	$	$		
2	1408 Management Improvements							
3	1410 Administration	59,328						
4								
5	1430 Fees and Costs	40,000						
6								
7								
8								
9								
10								
11	1475 Nondwelling Equipment	672						
12								
13	MAXIMUM MODERNIZATION COST (Sum of Lines 2 through 12)	$100,000	$	$	$	$	$	$
14	TOTAL MODERNIZATION PROGRAM COST (Line 1 + Line 13)	$100,000	$	$	$	$	$	$
15							$	$
16								
17							$	$
18							%	%
19								

The PHA will not be allowed to participate in the Comprehensive Improvement Assistance Program unless this form is completed and filed as required by existing regulation.	SIGNATURE OF EXECUTIVE DIRECTOR OR DESIGNEE	DATE	SIGNATURE OF FIELD OFFICE MANAGER/ OIP DIRECTOR	DATE

form HUD-52825 (11/89)
ref. handbooks 7485.1, 7485.2

NAME OF PHA/IHA

Comprehensive Assessment / Program Budget
Part II - Supporting Pages

WORK ITEM NUMBER	DEVELOPMENT ACCOUNT NUMBER	ASSESSMENT OF NEED	DESCRIPTION OF PROPOSED/APPROVED ACTION AND METHOD OF ACCOMPLISHMENT	INDIVIDUAL PROJECT NUMBER	TOTAL FUNDS REQUESTED	HUD-APPROVED FUNDS
(1)	(2)	(3)	(4)	(5)	(6)	(7)
		Nontechnical salaries a. Existing staff is insufficient to determine social services needs.	a. Hire a staff person to coordinate the identification of social services needs and to secure supportive services to address those needs.	VA-30-1	51,500 ~~22,500~~	
		b. Existing staff is insufficient to determine the feasibility of establishing a Resident Management Corporation.	b. Hire a Housing Management Specialist to determine the feasibility of establishing a Resident Management Corporation (RMC).		29,000	
		c. Legal Expense Legal assistance is necessary to incorporate the RMC.	c. Hire an attorney on an as needed basis to process the incorpration of the RMC, if determined feasible.	VA 30-1	7,000	
		d. Travel Information and training is necessary for the successful implementation of the program.	d. Travel to the state-wide conference on Social Services in Virginia, 1 person for 3 days at $110 per diem.	VA-30-1	828 330	
			Travel to HUD sponsored training on RMCs 3 persons for 2 days at $83 per diem.		498	
		e. Consultant Fees The existing financial management system is inadequate.	e. Hire a consultant to design and implement a financial management system.	VA-30-1	40,000	
		f. Nondwelling Equipment-Expendable Office furniture needed for new staff.	f. Purchase two desk and chairs for staff	VA-30-1	672	

form HUD-52825

BILLING CODE 4210-33-C

Appendix B—Resolution of Agreement To Comply With HUD Terms and Conditions for Technical Assistance

(Example)

Whereas, the (name of resident council or resident management corporation) is applying for technical assistance funds from the Department of Housing and Urban Development (HUD) to further its objectives in representing the residents of the (name of project).

And whereas, the undersigned, as the governing body of the (name of RC or RMC) representing the residents of the said project have voted to adopt, and do adopt, as evidenced by their signatures affixed hereunder, the following resolution.

Resolved, that the (name of resident council or resident management corporation) agrees to comply with all terms and conditions expressed in HUD's Notice announcing applications for technical assistance, applicable provisions of 24 CFR part 964, Resident Management in Public Housing, provisions of any technical assistance grant agreement entered into with HUD, and any other stipulations made by HUD and agreed to in writing by a duly authorized representative of this organization pertaining to the technical assistance provided by HUD.

Witnesseth:

(signature)

(typed name)

(signature)

(typed name)

(additional signature blocks as needed)

BILLING CODE 4210-33-M

APPENDIX

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

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[FR Doc. 90-4456 Filed 2-26-90; 8:45 am]
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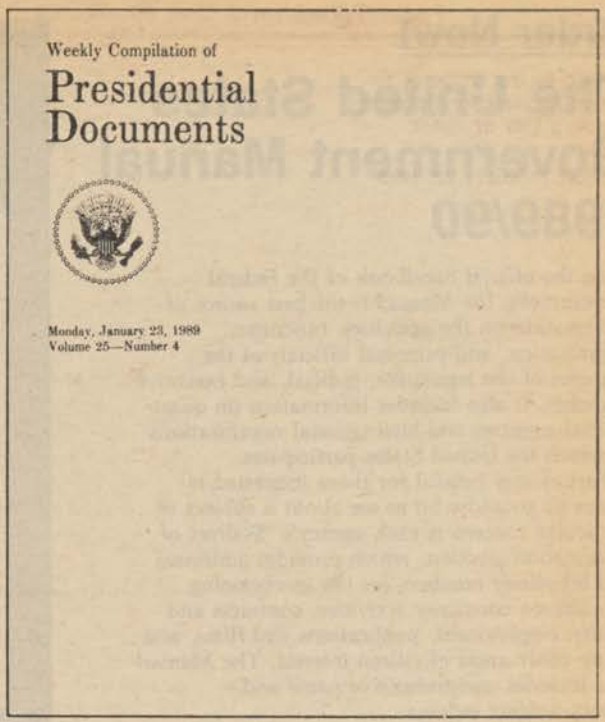

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